

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 869 OF 2022

Anil Bhausahab Rajput	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. C. C. Deshpande, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 27th JULY, 2022

PER COURT :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0370/2021, registered with Bidkin Police Station, District Aurangabad, for the offence punishable under Sections 376(D), 395, 397, 307, 458, 120-B of the Indian Penal Code and the Maharashtra Control of Organized Crime Act, 1999.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged by one of the victims himself on the intervening night of 19th October, 2021. A dacoity took place at the residence of the informant. The dacoits were seven in number. The female family members of the informant have been raped. The male members have been assaulted and robbed of gold ornaments and cash.

4. On investigation, the charge-sheet has been filed.

5. The applicant herein came to be arrested on the basis of the statement given by one of the co-accused. The same is inadmissible in evidence. The applicant was subjected to test identification parade. None of the victims has identified him. In this factual backdrop, the application deserves to be allowed. Hence following order:-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0370/2021, registered with Bidkin Police Station, District Aurangabad, for the offence punishable under Sections 376(D), 395, 397, 307, 458, 120-B of the Indian Penal Code and the Maharashtra Control of Organized Crime Act, 1999,

on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.

- (iii) The applicant shall attend the concerned police station once a week, i.e. on Sunday between 7.00 p.m. and 8.00 p.m. for the next twelve months.
- (iv) The applicant shall not enter Tonduli Shivar, Taluka Paithan.
- (v) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS