

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

BAIL APPLICATION NO. 980 OF 2022

Shaikh Shahrukh S/o Shaikh Nazir	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Sachin M. Nannaware, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 03rd AUGUST, 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.0016/2022, registered with Fardapur Police Station, Taluka Soygaon, District Aurangabad, for the offences punishable under Sections 395, 397, 347, 427, 412, 201 of the Indian Penal Code.

2. Heard.

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

The FIR has been lodged by a Security Guard In-charge, Ajintha Tourism Centre on 24.02.2022. It is averred in the FIR that

on the intervening night of 23rd and 24th February, 2022, he was on duty along with two other Security Guards. There was one vehicle stationary nearby the tourism centre on Jalgaon-Aurangabad road. By 9.40 p.m., three unknown persons suddenly entered the premises of the centre. They started abusing the informant and his colleagues. One of them beat up the informant with a stick. Other 7 – 8 persons immediately entered the premises. All of them took the informant and his colleagues to a security room and confined them there with threats to their lives if they raise alarm. Their cell-phones were also taken charge of. The culprits then went to a transformer room. They cut the copper wire of the transformer. Cutting and breaking operation was on until 4.30 a.m. Little past 5.00 a.m., a small pickup van (छोटा हात्ती) arrived. The culprits carried the removed copper wire and even 1200 litres of oil. Before leaving, the culprits had even removed the motorcycle cables. The informant, immediately, lodged the FIR contending that the copper wire worth Rs.2,00,000/- (Rupees Two Lakh) was stolen, besides 1200 litres of oil.

The description of culprits was also given in the FIR. The crime was investigated. The applicant and co-accused came to be arrested and proceeded against by filing charge-sheet.

3. The learned Advocate for the applicant would submit that the applicant was not involved either in assaulting the informant and/or his colleagues. He was not also involved in cutting and breaking of copper wire. He was called to transport the copper wire. He, therefore, came on the site and transported the copper wire. According to the learned Advocate, some of the main culprits have been granted bail. The investigation is over. Charge-sheet has been filed. The applicant has no criminal antecedents. Post registration of this crime, he was taken into custody in connection with some other crime. He, therefore, urged for grant of bail.

4. The learned APP would, on the other hand, submit that the main culprits are the relations of the applicant. The applicant would assist them in transporting the stolen goods. He is also involved in similar offence. He, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the FIR and the related police papers. The applicant has been behind the bars from 03.03.2022. The stolen goods, mainly copper wire worth Rs.1,80,000/-, has been recovered. The applicant has no criminal

antecedents. Some of the main culprits have been granted bail. It will take time for commencement and conclusion of the trial. I am, therefore, inclined to grant the applicant, bail. Hence, following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0016/2022, registered with Fardapur Police Station, Taluka Soygaon, District Aurangabad, for the offences punishable under Sections 395, 397, 347, 427, 412, 201 of the Indian Penal Code, 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 on first day of every month between 11.00 a.m. and 12.00 noon, till conclusion of the trial.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]