

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

**BAIL APPLICATION NO. 1009 OF 2022
WITH
BAIL APPLICATION NO. 1014 OF 2022
WITH
BAIL APPLICATION NO. 1015 OF 2022**

Ajay Ashok Mandve

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.D. Kotkar, Advocate for applicant

Mr. S.P. Sonpawale, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.

DATE : 11th AUGUST, 2022

PER COURT :

1. These three applications for bail under Section 439 of Code of Criminal Procedure are being decided by this common order since the same are filed by one and the same person, who has been arrested in three different crimes viz. (i) Crime No. 292 of 2021 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 395 and 427 of the Indian Penal Code ('I.P.C.') and under Section 4 and 25 of the Arms Act; (ii) Crime No. 277 of 2021 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 394, 395, 380, 506 and 201 read with Section 34 of the I.P.C.; and (iii) Crime

No. 260 of 2021 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 392, 395, 397 and 201 of the I.P.C.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The applicant is alleged to have received stolen goods worth Rs.36 lakhs. The said goods were stolen by one and the same culprits from not less than seven crimes. It is informed that the applicant has been granted bail in four such crimes, except the present three crimes.

4. Learned A.P.P. would submit that the applicant is habitual in receiving the stolen goods. Those were gold ornaments worth over Rs.36 lakhs recovered from the car of the applicant while he was carrying those ornaments to sell to someone. Learned A.P.P., therefore, urged for rejection of the application.

5. Considered the submissions advanced. The applicant is not a culprit of offence punishable under Section 395 of the I.P.C. He is alleged to have received stolen goods of number of crimes committed by one and the same culprits. The facts indicate that there was one crime registered with Shrirampur City Police Station. During investigation, it was further revealed

that those stolen goods were subject to number of other crimes committed by the same culprits.

6. The fact is however, that on investigation, charge-sheet has been filed. The entire stolen goods have now been recovered from the applicant. He is in jail since January 2022. It will take time for commencement and conclusion of trial. Considering the nature of offence and the fact that charge-sheet has been filed, the applications deserve to be allowed. Hence I pass the following order :-

ORDER

(I) The bail applications are allowed.

(II) The applicant be released, in connection with Crime No. 292 of 2021 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 395 and 427 of the Indian Penal Code and under Section 4 and 25 of the Arms Act, on executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one surety in the like amount.

(III) The applicant be released, in connection with Crime No.277 of 2021 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 394, 395, 380, 506 and 201 read with Section 34 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one surety in the like amount.

(IV) The applicant be released, in connection with Crime No. 260 of 2021 registered with Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 392, 395, 397 and 201 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one surety in the like amount.

(V) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD