

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

BAIL APPLICATION NO. 1062 OF 2022

Amol Bapu Kale	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. N. L. Jadhav, Advocate for applicant
Mr. S. P. Sonpawale, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 10th 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.0049/2022, registered at Anandnagar Police Station, District Osmanabad, for the offences punishable under Sections 394, 395 r/w 34 of the Indian Penal Code.

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

The FIR has been lodged by one of the victims. It is her case that on the intervening night of 6th and 7th February,

2022, four unknown persons entered her house. They were speaking in Marathi. One of them assaulted her husband with a wooden rod. As a result, her husband became unconscious. Another one detained the informant and her two daughters at a particular place in the bed room with a threat of committing rape of them. Others two searched the cupboards. Took a sum of rupees four thousand in cash and some coins at the Devghar. It is also the case of the informant that the culprits then relieved her and her daughters of their ornaments on their person and then went away.

3. On the same night, similar crime took place at Khamgaon, District Osmanabad. On arrest of the culprits of the said crime, one of them confessed to have committed the present one.

4. According to the learned APP, it is a serious crime. If the bail is granted, the applicant will indulge in similar offence. The gold ornaments have been recovered. He, therefore, urged for rejection of the application.

5. The FIR was lodged against unknown persons. Although the description of the culprits has been given in the FIR, on arrest of the applicant, he was not subjected to test identification parade. Nothing has been recovered from him. The applicant was arrested in

connection with another crime that took place on the same night. The prosecution is relying on his confession to police station made in connection with that crime. The same is inadmissible in evidence. It is informed that the applicant has been granted bail in that crime. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. I am, therefore, inclined to grant the application. Hence, following order.

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0049/2022, registered at Anandnagar Police Station, District Osmanabad, for the offences punishable under Sections 394, 395 r/w 34 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 not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

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