

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

BAIL APPLICATION NO. 1118 OF 2022

Rameshwar Dnyaneshwar Mokashe	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. P. K. Nikam, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 06th SEPTEMBER, 2022

PER COURT :-

. 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.0133/2022, registered at Kannad-City Police Station, District Aurangabad, for the offences punishable under Sections 307, 286 of the Indian Penal Code and under Sections 5 and 4 of the Explosive Substances Act, 1908.

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

The FIR has been lodged by a Police Constable attached with Kannad City Police Station on 09.06.2022. It has been lodged

against unknown person. It is the case of the prosecution that a bomb like article was placed/planted in a cellphone paper box in front of, "Vishwakarma Furniture Shop". Somebody had informed the concerned police station. The place was therefore visited. It was found that the box contained a crude bomb. The crime therefore came to be registered against unknown person. During the investigation, it was found that the applicant had planted the same. On investigation, the charge-sheet has been filed.

3. The learned Advocate for the applicant would submit that the case is based on circumstantial evidence. On investigation, the charge-sheet has been filed. The alleged crude bomb did not went off. As such, there is no question of anyone having been hurt. He, therefore, urged for grant of application.

4. The learned APP would, on the other hand, urged for rejection of the application on the ground of seriousness of the case.

5. Considered the submissions advanced. Perused the FIR and the related police papers. The case is based on circumstantial evidence. The applicant is alleged to have had planted a crude bomb

in front of, “Vishwakarma Furniture Shop”. The police officials took charge of the said crude bomb. In the FIR itself, it has been averred that the police have destroyed the same at a secluded place. As such, there is no material to indicate that what had been seized by the police was in fact, the crude bomb. Be that as it may. On investigation, the charge-sheet has been filed. Section 7 of the Explosives Substances Act, 1908, mandates that no Court shall proceed till the trial of any person for an offence against this Act except with the consent of the District Magistrate. It is informed that the District Magistrate has been moved for obtaining requisite consent. As such, it will take time for commencement and conclusion of trial. In the circumstances, pretrial detention of the applicant is unwarranted. The application is therefore allowed in terms of the following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0133/2022, registered at Kannad-City Police Station, District Aurangabad, for the offences punishable under Sections 307, 286 of the Indian Penal Code and under Sections 5 and 4 of the

Explosive Substances Act, 1908, 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.]

SMS