

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

BAIL APPLICATION NO.1302 OF 2022

Vijay Raju Pathare

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. Shaikh Mazhar A. Jahagirdar, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 7th OCTOBER, 2022.

PER COURT :

Heard. 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.228/2021, registered at Tophkhana Police Station, Ahmednagar for the offence punishable under Sections 395, 386, 452, 427, 323, 504, 506, 120-B, 201 of the Indian Penal Code, Section 142 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999.

2. The applicant and co-accused are alleged to have had entered a Cloth Shop on the given day. They robbed the

Salesman of Rs.3500/-. From the allegations in the F.I.R., the applicant has not been attributed with any overt act like assault to any of the persons in the shop. All the co-accused have been granted bail.

3. The learned A.P.P. objects to grant the bail to the present applicant on the ground that he has number of criminal antecedents. The present crime was committed while he was under order of externment from Ahmednagar city. Still, he entered the city and committed the crime.

4. Considered the submissions advanced. The applicant is in jail for about one year. All the co-accused have been granted bail. None of the victims was assaulted. It is a case of robbery of Rs.3500/-. The one who has been granted bail was also under order of externment while the present crime was committed. On investigation, the charge sheet has been filed. It will take time for commencement of the trial and conclusion thereof. In view of the same, the Court is inclined to grant the applicant bail. Hence the order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with

Crime No.228/2021, registered at Tophkhana Police Station, Ahmednagar for the offence punishable under Sections 395, 386, 452, 427, 323, 504, 506, 120-B, 201 of the Indian Penal Code, Section 142 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 on his executing P.R. bond in the sum of Rs.1,00,000/- (Rupees One Lakh) with one or two sureties in the like amount.

(iii) The applicant shall not enter Ahmednagar district till conclusion of the trial, except for attending the Court cases.

(iv) The applicant shall mark his appearance before Shastri Nagar Police Station, Yerwada, Pune every day between 9.00 p.m. and 10.00 p.m. for next twelve months.

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

(R. G. AVACHAT, J.)

fmp/-