

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

BAIL APPLICATION NO. 1315 OF 2022

Akash Annasaheb Hodade

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. PP. More, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 03rd OCTOBER, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 258 of 2022 registered with MIDC Police Station, Dist. Latur for the offences punishable under Sections 394 and 397 read with Section 34 of the Indian Penal Code.

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

3. The F.I.R. has been lodged by the victim himself on 16th May, 2022. It is his case that he had been to Hotel Lokseva for dinner by 08:30

p.m. on 13th May, 2022. The applicant had also been to the said hotel. The applicant got enraged only because the informant stared at him. The applicant abused and beat up the informant with a beer bottle. It is also the case of informant that the applicant robbed him of cash of Rs.18,000/-.

4. Learned counsel for the applicant would submit that the applicant was emotionally involved with the daughter of a high ranking official. Number of crimes, therefore, came to be registered against him at the instance of father of that girl. The said girl is now better half of the informant. Those crimes had, therefore, been registered against him.

5. Learned A.P.P. would submit that there are four eye witnesses to the incident in question. He informs that only Rs.10,000/- have been recovered. Learned counsel for the applicant came around to deposit the balance of Rs.8,000/- under protest. Learned A.P.P. would further submit that the applicant has criminal antecedents. He may indulge in similar offence. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. There appears to be substance in the submissions made by learned counsel for the applicant. On investigation, the charge-sheet has been filed. It will take time for commencement and conclusion of trial. The Court is, therefore, inclined to grant the applicant bail.

7. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 258 of 2022 registered with MIDC Police Station, Dist. Latur for the offences punishable under Sections 394 and 397 read with Section 34 of the Indian Penal Code, on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall mark his attendance in MIDC Police Station, Dist. Latur twice a day i.e. on 08:00 a.m. and 09:00 p.m. for next six months.

(IV) The applicant shall deposit sum of Rs.8,000/- (Rupees Eight Thousand) as condition precedent. If the informant applies for refund of the same, the trial Court may grant the same on conditions to be imposed by it.

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

(R.G. AVACHAT, J.)

SSD