

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

BAIL APPLICATION NO. 1362 OF 2022

Beraya @ Kishor Raybhan Bhosale	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. A. M. Gaikwad, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 04th OCTOBER, 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.0859/2021, registered at Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 302, 394, 397, 452 read with 34 of the Indian Penal Code.

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

3. The FIR has been lodged by one of the victim on 06.11.2021. It is her case that, she along with her husband would reside at Karanji, Taluka Pathardi, District Ahmednagar. They went to sleep by 8.30 p.m. on 05.11.2021. At about 12.00 midnight, she heard barking of dogs outside her house. She made her husband to wake up. No sooner they got up, two unknown persons, clad in black clothes, entered the house. One of them hit the informant with stick. He robbed her of her 10 gms., Mangalsutra worth Rs.20,000/-. The other one assaulted on the head of the informant's husband with some sharp weapon. He gave number of blows thereof. Since both the informant and her husband raised cries, the culprits fled. Both were rushed to the hospital. The informant's husband unfortunately died of the injuries suffered. Crime, therefore, came to be registered as stated above. Investigation took place. The applicant herein along with three others came to be arrested. Stolen goods claimed to be recovered.

4. The material against the present applicant is in the nature of disclosure statement made by co-accused. Needless to mention that same is inadmissible in evidence. There is no other material connecting the applicant with the offence in question. These are the observations taken into for grant of bail. Hence, following order.

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0859/2021, registered at Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 302, 394, 397, 452 read with 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 attend the concerned Police Station once a week i.e. on every Sunday by 9.00 p.m. until next four months.
- (iv) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]