

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

BAIL APPLICATION NO.1440 OF 2022

Tekya s/o. Garman Chavan

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.R.G.Hange, Advocate for applicant

Mr.R.B.Bagul, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 28, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0057 of 2022 registered with Ambhora Police Station, Dist.Beed, for the offences punishable under Sections 394, 395, 397 read with 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. The police report indicates that the informant/victim has refused to participate in the test identification parade on health reasons. The FIR has been lodged against unknown persons. Nothing has been recovered from the present applicant.

4. True, the applicant has criminal antecedents. Learned counsel for the applicant would submit that post registration of the present crime, the police at Parbhani have been taking him in custody for the similar crimes without there being any material against him. It is true that such thing happens usually.

5. The applicant is in jail since 06.08.2022. Nothing has been recovered from him. The informant is not co-operating for participating in T.I. parade. The Court has, therefore, no option but to grant bail the applicant.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0057 of 2022 registered with Ambhora Police Station, Dist.Beed, for the offences punishable under Sections 394, 395, 397 read with 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

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

(iv) Until conclusion of the trial, the applicant shall attend the police station, Ashti, on every Sunday by 9.00 p.m.

[R.G. AVACHAT, J.]