

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

BAIL APPLICATION NO. 1562 OF 2022

Umesh Kantilal Pawar

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. S.A. Gaikwad, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent - State
....

CORAM : R.G. AVACHAT, J.

DATE : 06th 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. 107 of 2018 registered with Kopargaon Taluka Police Station, Dist. Ahmednagar for the offences punishable under Sections 395, 396, 397, 120-B, 75, 412 and 414 of the Indian Penal Code, under Sections 3/25, 4/25 and 7/25 of the Arms Act and under Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of organized Crimes Act, 1999.

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

3. It is a case of robbery at a jewelry shop. There is no C.C.T.V. footage. The F.I.R. has been lodged against the unknown persons. Although the applicant is alleged to have participated in the crime, on his arrest he was not subjected to test identification parade. Nothing has been recovered from him. Although co-accused in his statement under Section 27 of the Evidence Act claims the applicant as one of his associates, the same is inadmissible in evidence. The applicant has no criminal antecedents as well. In this factual backdrop, the Court has no option but to grant the applicant bail.

4. 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. 107 of 2018 registered with Kopargaon Taluka Police Station, Dist. Ahmednagar for the offences punishable under Sections 395, 396, 397, 120-B, 75, 412 and 414 of the Indian Penal Code, under Sections 3/25, 4/25 and 7/25 of the Arms Act and under Sections 3(1)(i)(ii), 3(2) and 3(4) of the Maharashtra Control of organized Crimes Act, 1999, 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 at Kopergaon Taluka Police Station, Dist. Ahmednagar on every Sunday by 11:00 p.m. for next eight months.

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

(R.G. AVACHAT, J.)

SSD