

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

921 BAIL APPLICATION NO.1650 OF 2022

RAM KAILAS GIRI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. More P. P.
APP for Respondent-State : Mr. V. M. Kagne.

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CORAM : S. G. MEHARE, J.
DATE : 12.10.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.

2. It has been alleged against the applicant that on the day of the incident, applicant and co-accused Rahul came down from the auto rickshaw and demanded money to the complainant. That time, they took away the sickle and again demanded money to the complainant. They also threatened him to kill. In the meantime, three persons came on pulsar motorcycle. They threatened him, “why he did not pay the money”. One of those three persons, slapped him and pointed the sickle to his neck and snatched Rs.5,000/- from him. Thereafter, the persons came on pulsar motorcycle and auto rickshaw, started fleeing away. Complainant’s friend came and

chased the auto rickshaw and pulsar motorcycle. They apprehended the auto rickshaw and the applicant and one another co-accused. They took them to the Police Station. Police seized the sickle from the applicant and another co-accused. The incident happened on 11.06.2022 at 9.30 p.m. to 10.00 p.m., in front of the Rupam Company.

3. Learned counsel for the applicant would submit that the applicant is 19 years old. He was simply carrying the passenger in his auto rickshaw. Out of fear, when one vehicle started chasing his auto rickshaw, he fled away. He did not know the other co-accused. Hence, he directly took the auto rickshaw to Police Station. He was very much frightened, due to the incident suddenly happened. There are no allegations against him that he threatened the complainant. As the incident happened suddenly, some persons came on pulsar motorcycle and commotion started. To save the life, the applicant started fleeing with his auto rickshaw and another person sitting in his auto rickshaw. The applicant has to maintain his widow mother. There are no antecedents to his discredit. The investigation is completed. Nothing is to be recovered from him. He is behind the bar for about four (4) months. It would be harmful to keep the applicant in jail along with harden criminals. Hence, he may be released on bail.

4. Learned APP has strongly opposed the application. He would submit that the applicant and another co-accused along with the weapon were apprehended by the complainant and his friends. They were immediately taken him to the Police Station and police arrested them. The weapon like sickle has been seized from the auto rickshaw of the applicant. The absconding co-accused are yet to be arrested. The applicant did not co-operate with the investigation. The offence is serious. Hence, he may not be released on bail.

5. The facts as discussed above reveal that initially two persons stopped the complainant and were asking him to pay money. Thereafter, suddenly three persons came on pulsar motorcycle. They pointed the sickle to his neck and snatched Rs.5,000/- from his pocket and fled away. It appears from the allegations that the applicant and other co-accused had threatened the complainant and were demanding him money, but another three persons came and committed the offence. The investigation pertains to the present applicant appears to be completed. Arrest of the other three co-accused may take time. The charge sheet has also been filed against the applicant. He is 19 years old, having no antecedents to his discredit and has a widowed mother. In view of the matter, it

may be inappropriate to keep him behind the bar. However, certain stringent conditions may be imposed against the applicant. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant RAM KAILAS GIRI be released on bail on furnishing P.B. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety of the like amount, in Crime No.223 of 2022, registered by Police Station Chandanzira, District Jalna, for the offence punishable under Section 395 of the IPC, on the following conditions :
 - (a) He shall attend the Police Station on every Monday between 10.00 a.m. to 1.00 p.m. till recording the evidence of the material witnesses.
 - (b) He shall not tamper with the prosecution witnesses.
 - (c) He shall keep away from involving the similar nature of offences.

(S. G. MEHARE, J.)

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