

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

932 BAIL APPLICATION NO.1765 OF 2022

UMESH @ KISAN RAMESH @ ROSHAN BHOSALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gaikwad Anil M.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 24.11.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has been arraigned as an accused for the offences punishable under Sections 302, 394, 397, 452 read with Section 34 of the IPC.
3. Learned counsel for the applicant has vehemently argued that the description of the assailants and dacoits have not been given in the First Information Report. The applicant has been arraigned on suspicion. In the FIR, it has been alleged that two persons entered the house of the complainant. However, the police arrested four accused. The recovery of the so called

golden ornaments, which was robbed is found in the public open place. There is no test identification parade. The photographs of the applicant were shown to the witnesses. The applicant belong to *Pardhi* community. Hence, on suspicion, he has been arrested. The applicant is languishing in jail for more than one year. Hence, he may be released on bail.

4. Learned APP would submit that there are six crimes to the discredit of the applicant. He was involved in the similar offences. The recovery of the golden ornaments allegedly robbed is the strongest evidence in such cases. If, he would be released on bail, he would definitely commit more serious crime. The applicant is a professional robber. Hence, it would be unsafe to release him on bail.

5. The report reveals that two persons entered the house of the complainant. They snatched the golden ornaments from the person of the first informant. They assaulted her husband who died due to assault. In such case, the recovery of the property allegedly robbed is a strong evidence. The golden ornaments allegedly robbed have been recovered from open place, but it cannot be brushed aside that it was recovered at

the instance of the applicant. It was well within the knowledge of the applicant that where he had concealed the robbed property. Besides above, the antecedents to the discredit of the applicant is the another ground to decline the bail.

6. For the above reasons, the bail application stands dismissed.

(S. G. MEHARE, J.)

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