

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

23 BAIL APPLICATION NO.1456 OF 2021

**RAMESHWAR JANGLYA BHOSALE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondents/State : Mr. V.S. Badakh
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 10th January, 2022**

PC.:-

Heard.

2. Case of the prosecution in brief is that on 26th July, 2021 at about 3.00 pm the informant was sleeping in the house as he was unwell. He heard the noise of opening the cupboard. He saw applicant standing near the cupboard. On seeing that the informant had woken up and had questioned the applicant, applicant delivered a blow of Katavni (iron rod). The blow was aimed at the head of the informant but he put his hand on his head because of which the blow landed on his fingers. Applicant committed robbery of ornaments worth Rs.2,20,000/-. One person was guarding and one person was standing near the motorcycle. The applicant committed robbery and fled from the spot along with accused nos.2 and 3. The informant went to the

police station and lodged the report.

3. It is the case of the prosecution that applicant and two accused were traveling on motorcycle. They fell down. Villagers detained them and informed the police. On interrogation it was revealed that the applicant and two accused had committed the robbery in the house of the informant. Accordingly, FIR was registered.

4. Learned counsel Shri Ghanekar submits that applicant has no criminal antecedents. Recovery of three ornaments has been made from the applicant. He submits that this is the first offence of the applicant, therefore, he may be released on bail.

5. Learned APP Shri Badakh submits that applicant is identified by the informant in test identification parade. Mobile phone of the informant has been seized from the wife of the accused. Golden ornaments are also seized at the instance of the accused. Therefore, he should not be released on bail.

6. Charge-sheet is filed. Offence under Section 392 of the I.P.C. is punishable with imprisonment for 14 years and offence under Section 397 of the I.P.C. is punishable with imprisonment for 7 years. The applicant is behind the bars since 26.07.2021. Trial is not likely to commence in near future considering the pandemic situation created due to Covid-19. Applicant has no

criminal antecedents. In this view of the matter, I am inclined to release the applicant on bail by putting stringent conditions. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.30,000/- with one solvent surety in the like amount, in connection with Crime No.474 of 2021 under Section 454, 455, 459, 397, 307, 511 read with Section 34 of the I.P.C. with Karjat Police Station, District Ahmednagar on condition that he shall not leave jurisdiction of Ashti Police Station (as applicant is the resident of Ashti Police Station) without prior permission of the concerned court. He shall furnish his mobile number to the concerned police station and shall also intimate the police about change in mobile number in case he changes it in future. He shall not tamper the prosecution evidence.

[M.G. SEWLIKAR, J.]