

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

939 BAIL APPLICATION NO.1917 OF 2022

Yogesh Dnyaneshwar Badade
Age : 22 years, Occ : Agri., & Business,
R/o Pokhari, Post Ghatsawli,
Tq. & Dist. Beed.

..APPLICANT

-VERSUS-

The State of Maharashtra
Through Police Station,
Majalgaon (City), Dist. Beed.

..RESPONDENT

...

Mr.S.J. Salunke, advocate for applicant.
Mr.A.A. Jagatkar, APP for the respondent/State.

...
CORAM : S.G. MEHARE, J.
DATE : DECEMBER 09, 2022

PER COURT :-

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

2. The first informant did not alleged against the applicant anything except his arrival in the hotel with iron rod. The police had registered a crime for the offence punishable under sections 307, 329 r/w 34 of the Indian Penal Code. However, the Investigation Officer has submitted final report under section 173 of the Criminal Procedure Code against the applicant and other co-accused for the offence punishable under section 397 of the Indian Penal Code.

3. The papers reveal that for the first time, after ten days from the incident, the another witness stated that the applicant with another witness forcefully took away Rs.19,000/- from the cash counter. The reason best known to the Investigation Officer why he did not recovered so called robbed money.

4. Be that as it may, there are contradictory statements of the witnesses as regards the role attributed to the applicant. The allegations of snatching the money have been levelled against him belatedly.

5. Besides the above allegations, there is no concrete evidence against the applicant. The applicant is languishing in jail from 26th May, 2022. The charge-sheet has been filed. Nothing appears to be investigated from the applicant. In the light of the material produced by the prosecution, the applicant deserves bail. Hence the order :-

ORDER

(i) The application is allowed.

ii) Applicant be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of the like amount, in C.R.No.73/2022 dated 31.03.2022 registered with Police Station

Majalgaon (City), Dist. Beed for the offence punishable under section 397 of the Indian Penal Code, on the condition that the applicant shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)

SGA