

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

BAIL APPLICATION NO.1957 OF 2022

**RAJU @ MOHAN SUBHASH GAYAKWAD
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Gaikwad Amol Ratan
APP for Respondent/State : Mr. S.B. Narwade

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CORAM : S.G. MEHARE, J.

DATED : 21st DECEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant has case that he was never in the company of other co-accused. The applicant and the victim took liquor in a bar and thereafter, the victim left. However, one of the co-accused stated the applicant's name; hence, he has been arraigned as an accused.
3. Learned counsel for the applicant would submit that the complainant has hired many such boys from other States to commit the offences of theft. The applicant has no concern with the alleged incident. Since there were crimes registered against the applicant, he has been systematically involved in the crime on the directions of the first informant. Nothing has been recovered from the applicant. The identification of the applicant would make no difference since the

applicant did not deny that he was with the victim in beer bar. Stringent conditions may be imposed if he would be released on bail.

4. Learned APP has strongly opposed the application contending that the applicant was the main culprit. There are crimes of committing theft and robbery registered against him. The victim has identified him. There is recovery of wooden stick. The offence is serious. The investigation is in progress. Hence, he may not be granted bail.

5. Perused the papers. The name of the applicant has been transpired from the statement of the co-accused. There was no direct evidence against the applicant. However, the possibility of involving the applicant since there were crimes to his discredit cannot be ruled out. Though the weapon allegedly seized from this applicant, there are no complaints by the victim at all that he was assaulted with the wooden stick. Considering the allegations, it would be inappropriate to keep the applicant behind the bar. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Raju @ Mohan Subhash Gayakwad, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.252 of 2022, registered at Pachod Police Station, Taluka Paithan, District Aurangabad for the offence punishable under

Sections 364-A, 363, 384 of the Indian Penal Code, on the condition that;

- (a) He shall not tamper with the prosecution evidence.
- (b) The applicant shall attend the concerned police station on every Thursday between 11.00 a.m. to 02.00 p.m. till filing of the charge sheet.

(S.G. MEHARE, J.)