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

**BAIL APPLICATION NO. 1147 OF 2023
AND
BAIL APPLICATION NO.1148 OF 2023**

Anil s/o Bhausahab Rajput ...Applicant

VERSUS

The State of Maharashtra ...Respondent

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Mr. Chaitanya C. Deshpande, Advocate for the applicant.
Ms. V.N. Patil Jadhav, APP for the respondent-State.

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CORAM : S.G. MEHARE, J.

DATED : JULY 19, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant is seeking bail in Crime No.432 of 2021 and 404 of 2021 registered with MIDC CIDCO Police Station, District Aurangabad for the offence punishable under Sections 394, 395, 397, 379, 402, 201 r/w 34 of the Indian Penal Code.
3. Learned counsel for the applicant has complained that copy of the charge sheet is yet not supplied. The Constable present in the Court instructs the learned APP that those copies have already been kept with the charge sheet in the Court. Further, learned counsel for the applicant would submit that in earlier crime, the applicant has been granted bail. There is no cogent and reliable

evidence against the applicant. Recovery of the so-called stolen property is after seven months from the public place. Since there were antecedents against the applicant, the applicant had been roped in these crimes deliberately to show that the crimes have been detected. Hence, he may be granted bail.

4. Per contra, the learned APP would submit that there are around 13 similar crimes to the discredit of the applicant. The stolen property is recovered at the instance of the applicant. The witnesses have identified him in the test identification parade. He is repeatedly involved in the similar crime. He is a habitual offender. If he would be released on bail, the society would be unsafe. Hence, he does not deserve bail.

5. Perused the papers. Admittedly, there were around 13 crimes to the discredit of the applicant. Granting bail in another crime is no ground to consider the bail application as each case has its facts and circumstances. The Court has to go through and consider the allegations in the crime and the material collected against the accused.

6. As far as these cases are concerned, the stolen property has been recovered at the instance of the applicant. He committed these two offences in a series in the same night. Besides this, the witnesses identified him. Considering his conduct, it appears that stealing the property is his source of income. Even after having 13

crimes to his discredit and granting him bail, he did not show any improvements. He is still committing the same crimes. Considering the past of the applicant, there appears substance in the arguments of the learned APP that releasing such accused is not safe for the society. The people should live free and fearless. There was ample evidence against the applicant with his long history of involvement in the similar crime. The Court is not inclined to grant him bail. Hence, both applications stand dismissed.

(S.G. MEHARE, J.)