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

BAIL APPLICATION NO.1242 OF 2023

**DATTA TUKARAM SHINDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Sapkal Sandip R
APP for Respondent/State : Mr. K.S. Patil
...

CORAM : S.G. MEHARE, J.

DATED : AUGUST 03, 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.140 of 2023 registered with Satara Police Station, District Aurangabad for the offence punishable under Sections 395, 397, 427, 436, 504 r/w 34 of the Indian Penal Code and Section 4/25 of Arms Act.
3. The prosecution has a case that a practicing advocate was the main culprit. He plotted the conspiracy and hired the present applicant to execute the conspiracy. The applicant accordingly executed the plan set out by the lawyer. The applicant along with other co-accused went to the house of the first informant and put the motorbike to fire. The CCTV footage of the incident and its CDR data has been recovered.

4. Learned counsel for the applicant would submit that the main accused, the plotter of the conspiracy has been granted anticipatory bail observing that the material investigation has been completed. However, the same parameters were not applied when the learned Additional Sessions Judge rejected the bail and erroneously observed that the investigation is in progress. Learned counsel for the applicant argued that there is nothing against him.

5 On the contrary, learned APP would point out from the case diary that the CCTV footage and CDR have been recovered. There is substantial material against the applicant showing the prima facie involvement in the crime. The offence is serious and investigation is in progress. Barely granting anticipatory bail to the co-accused is certainly not a ground to grant the bail. What role the accused has played is to be seen.

6. The case diary has been placed before the Court. The Court has perused the papers from the case diary and satisfied that prima facie material is available against the applicant. The offence is serious. The investigation is in progress. The police may require the custodial interrogation of the applicant to unearth the truth. At this juncture, the prayer of the applicant cannot be considered. Hence, the application stands dismissed.

(S.G. MEHARE, J.)