

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

BAIL APPLICATION NO.1318 OF 2023

Ajay Waghu Jadhav,
Age: 26 years, Occu. Labour,
R/o. Senan, Tq. Mahagaon, Dist. Yewatmal ..Applicant

Versus

The State of Maharashtra,
Through Bhokar Police Station, Nanded ..Respondent

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Mr. Gaurav L. Deshpande, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 21st AUGUST, 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.114 of 2023 registered with Bhokar Police Station, District Nanded for the offence punishable under Sections 395 and 341 of Indian Penal Code.

3. On information of Babakhan Pathan crime has been registered with Police Station Bhokar on 07.04.2023. It is alleged that the informant has witnessed the commission of the offence, when the accused persons snatched the mobile phone from the driver of the Truck bearing Registration No.RJ-14-GF-1011 and then ran away using car bearing Registration No.MH-12-DS-4585.

Subsequently, the police arrested the applicant and others alongwith car. On search of the car, the incriminating material used in commission of the offence has been found. After due investigation, charge-sheet is filed against the accused persons including the applicant. It appears that, a mobile phone is recovered from the applicant.

4. Mr. Deshpande, learned Advocate appearing for the applicant would submit that considering the nature of the offence, Section 395 of the Indian Penal Code may not attract. He would submit that the applicant is falsely implicated in the offence. No identification parade is carried. The recovery of the mobile phone itself would not be sufficient to hold his participation in the alleged offence.

5. The learned APP opposes the application. She would submit that the serious offence has been committed by the applicant and others. During the course of investigation, the applicant has been arrested. The car used for commission of offence is seized. The mobile phone which was snatched from the driver of the Truck bearing Registration No. RJ-14-GF-1011 i.e. Ramswarup Nandlal Jat recovered from the applicant, which is sufficient to show his involvement in commission of offence. She has further pointed out that previoiusly accused found involved in similar type of offence. A Crime No.166 of 2021 for offence punishable under Section 393 of the Indian Penal Code is registered against the applicant. As such, he is habitual offender.

6. Having considered the submission advanced, it is apparent that the investigation in the matter is complete. The

charge-sheet is filed. The trial is likely to take its own time. The accused is behind the bar for more than four months from the date of offence. *Prima facie*, it does not appear to be the case of dacoity. Although, there is previous offence registered against the applicant, that itself would not be the ground to continue the detention behind the bar till the conclusion of trial. The applicant can be enlarged on bail by putting certain condition. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Ajay Waghu Jadhav be released on bail in Crime No.114 of 2023 registered with Bhokar Police Station, District Nanded for the offence punishable under Sections 395 and 341 of Indian Penal Code on furnishing P.B. and S.B. of Rs.25,000/- (Rs.Twenty Five Thousand only) with one solvent surety of the like amount on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall not involve himself in any offence.
 - c. The applicant shall attend the proceedings before the Sessions Court.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE