

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 BAIL APPLICATION NO.1381 OF 2023

HIMALAYA RAJU GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.Dattatraya Rambhau Markad
APP for the Respondent – State : Mr.S. B. Narwade

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WITH
BAIL APPLICATION NO. 1350 OF 2023

ANAND BHARAT BANSODE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.Amol Narhari Kakade
APP for the Respondent – State : Mr.S. B. Narwade

CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 25.08.2023

PER COURT :-

1. The applicants are seeking bail under Section 439 of the Code of Criminal Procedure in connection with CR. No. 220/2023 registered with Rahta Police Station, District Ahmednagar for offences punishable under Sections 395, 341, 385, 384, 323, 504, 506, 201 of the Indian Penal Code and Section 3/25 of the Arms Act.
2. The investigation is set in motion on the basis of the information given by Vijay Bobde, resident of Sambhaji Chowk, Rahta,

who alleges that he is in business of transportation of foodgrains for fair price shop under contract of the Government. On 14.03.2023, his vehicle was loaded with foodgrains for being transported to the fair price shop. The accused Deepak Pokle haulted the vehicle and possessed challan under threats to the driver. On call from the driver, the informant reached on the spot. Accused Deepak Pokle demanded sum of Rs. 10,00,000/- and threatened informant to kill. The informant paid the amount of Rs. 4,00,000/- under threats to said Deepak, however, he continued with his demand. On denial to pay such amount, he apprehended the informant using a pistol. It is further alleged that at the relevant time, the applicants arrived at the spot in response to call given by accused Deepak and they accompanied him. The applicants were arrested in pursuance of aforesaid crimes and they are behind the bars. Their prayer for release on bail has been rejected by the learned Sessions Judge under his order dated 24.07.2023.

3. Learned Advocate appearing for the applicants, would submit that the entire allegations in the F.I.R. are against the Deepak Pokle. No specific role is attributed against the applicants. Inviting attention of this Court to report regarding CCTV footage at petrol Pump, he would submit that the presence of the applicants could not be noted. He would further submit that investigation in matter is complete. Charge-sheet is filed. Further detention of the applicants would not

be necessary. The applicants are ready to abide by the conditions as imposed by the Court.

4. Per contra, Mr. Narwade, learned APP opposes the applications. He would submit that the main accused Deepak is habitual offender. As many as 15 offences are registered against him. The applicants are assisting him in commission of such offence. He would submit that although no specific role is attributed against the applicants, the witness Rizwan Husain Shaikh, a clerk from Tahsil office and another witness Pradip alias Pappu Popatrao Bansode have confirmed the presence of the applicants at the spot. He would further point out that there are criminal antecedents against the applicants.

5. Having considered the submissions advanced and particularly perusal of the F.I.R., reveals that except alleged presence of the applicants near the petrol pump where the main accused made the demand of amount from the informant, no other role is attributed against applicants. The investigation papers, which are made part of the charge-sheet are silent about active role or participation of applicants in commission of the offence. The applicants are behind bar since long. Trial would take its own course. Applicants are arrested on 15.04.2023. Investigation is complete. No purpose would serve by continuing further detention of applicants. However, to secure the interest of the prosecution, the applicants can be released on bail by imposing certain conditions. Hence following order :

ORDER

- (i) The Bail Applications are allowed.
- (ii) The applicants namely HIMALAYA RAJU GAIKWAD, and ANAND BHARAT BANSODE be released on bail in Crime No. 220/2023 registered with Rahta Police Station, District Ahmednagar for the offence punishable under Sections 395, 341, 385, 384, 323, 504, 506, 201 of the Indian Penal Code and Section 3/25 of the Arms Act, subject to furnishing of P.R. Bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand only) each with solvent surety of like amount.
- (iii) The applicants shall not tamper with the prosecution witnesses or evidence in any manner.
- (iv) The applicants shall not establish contact with any witness named in charge-sheet.
- (iv) The applicants shall attend the Trial Court on given dates.
- (v) Bail applications are accordingly disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-