

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

BAIL APPLICATION NO. 1484 OF 2023

Yogesh Eknath Khanpate

... Applicant

Versus

The State of Maharashtra

... Respondent

...

Mr. Siddiqui Sohel E, Advocate for the Applicant

Mr. K. S. Patil, APP for the Respondent/State

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 08.09.2023

PER COURT :

1. Heard the learned Advocate for the applicant and learned APP for the respondent/State.
2. By this application, the applicants seeks regular bail in connection with Crime No.441/2023 registered with Taluka Police Station Jalna for the offences punishable under Section 395 of Indian Penal Code [for short 'IPC']
3. The investigation was set in motion on the information given by one Vinayak Sakharam Kale. It is alleged that the informant is serving on a petrol pump at Jamwadi on Jalna to Dewalgaon road. One Kishor Khaire is also accompanies him at night hours. It is alleged that on 14/07/2023, unknown persons wearing masks arrived at the petrol pump. They robbed the amount of

Rs.20,000/- under the threat. The accused persons were holding knife and they attempted to cause serious injury to the informant. Based on such information, crime no.441/2023 was registered with police station, Jalna Taluka. The applicant has been arrested in pursuance of the aforesaid crime. On 16/07/2023, he was remanded to police custody till 21/07/2023. However, nothing incriminating could be recovered from him.

4. Learned Advocate appearing for the applicant would submit that the applicant has been arrested only on the basis of suspicion. Even as per the case of prosecution, it is alleged that, he was a person who was standing outside the petrol pump when other two accused persons robbed the cash from cabin. He would therefore submit that there is nothing against the applicant by which he can be linked with the commission of offence. Hence, he urge to release the applicant on bail.
5. Learned APP opposes the application. However, he fairly concedes that identification parade was carried. The other accused persons are identified as culprits. The applicant could not be identified as participant in the commission of offence. Hence, he urge to pass appropriate order.
6. Having considered the submissions advanced, although the alleged offences are serious, there is nothing to link the applicant with commission of offence. Two accused persons, who are arrested, are identified as culprits during the identification parade. Certainly, applicant is not the person, who can be attributed any role with main culprits of the offence. There is

nothing on record by which the some role of the applicant can be attributed against the applicant in the commission of offence. On specific query, learned APP informs that there are no criminal antecedents. In that view of the matter, the case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, namely, Yogesh Eknath Khanpate be released on bail in connection with Crime No.441/2023 registered with Taluka Police Station Jalna for the offences punishable under Section 395 of Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand only) each on the following conditions:
 - a. The applicants shall visit concerned Police Station once in a week i.e. on every Tuesday between 10:00 am to 2:00 pm.
 - b. He shall submit the documents regarding his identification like Aadhar card.
 - c. He shall update his address and phone number.
 - d. He shall not tamper with the prosecution evidence in any manner.
 - e. He shall co-operate with for further investigation.
- (iii) Bail Application is disposed of accordingly.

**[S. G. CHAPALGAONKAR]
JUDGE**