

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1492 OF 2023

Sayyad Amir Azahar Jahagirdar,
Age : 22 years, Occ. : Business,
R/o. : Naldurg, Tq. Tuljapur,
Dist. Osmanabad

... Applicant

VERSUS

The State of Maharashtra,
Through Police Station Naldurg,
Tq. Tuljapur, Dist. Osmanabad

... Respondent

...

Mr. Shaikh Ashraf Patel – Advocate for Applicant
Mr. R.B. Bagul – APP for Respondent, State

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th October, 2023

ORDER :

1. The applicant who is accused No.2 in Crime No. 341 of 2023 registered with Naldurg Police Station, Tq. Tuljapur, Dist. Osmanabad is seeking his release on bail.

2. As per the prosecution story, the informant on 19th July, 2023 at about 11:00 p.m. was proceeding to Pune in his Eicher Tempo bearing No. MH-25-AJ-1486. When he reached T-point near Naldurg village on Tuljapur road, two persons in Bolero Jeep came in front of him and at the same time two other persons also

came there on Unicorn motorcycle. All of them took out the key's and mobile of informant and robbed him of Rs.35,000/- by taking the said amount from his pocket. Initially, they took him in his tempo at Chivari Pati and thereafter two of those persons again brought him to Naldurg village on motorcycle and left him at Raiba Hotel which is situated near to Jalkot village.

3. Learned Counsel for applicant submits that, the present applicant alongwith other accused by name Ganesh has been arrested on 30th July, 2023. Though he had filed Bail Application before the concerned Sessions Court, but it was rejected on account of pendency of investigation and recovery of the amount from the absconding accused. According to him, present applicant was not at all on the spot of incidence and he had not involved in the offence itself. He pointed out that, the investigating machinery arrested him only on the ground that, he found in contact with other accused persons. He pointed out that, in the T.I. parade the informant could not identify the present applicant being the participant of the actual incident.

4. On the contrary, learned A.P.P. strongly opposed the application on the ground that, though in the T.I. parade the

informant did not identify the present applicant but from the call records of this applicant/accused, it has been transpired that, he was continuously in contact with the main accused by name Sandeep Bhaiya @ Sandeep Sanjay Rathod at the time of incidence. He pointed out that, one absconding accused by name Mitu @ Indrajitsing Thakur is yet to be arrested and the Bolero Jeep and Unicorn motorcycle used in the commission of the offence are to be recovered.

5. Heard rival submissions and also perused the documents on record and police papers.

6. It is significant to note that, the Bail Application of this applicant is pending since the T.I. parade of this applicant alongwith other accused persons was to be conducted. Now the T.I. parade has been conducted and the informant could not identify the present applicant. Moreover, this Court vide order dated 6th September, 2023 in Anticipatory Bail Application No. 1469 of 2023 filed by the absconding accused by name Indrajitsing Thakur has already provided him interim relief. There is no positive role in the commission of offence by this applicant and he appears to be arrested on the ground that, he was in contact with the other

accused persons at the time of commission of offence. The investigation is also nearing completion and therefore, by imposing certain conditions on the present applicant, he can be released on bail. As such, following order is passed :

ORDER

- (a) Application is hereby allowed.
- (b) The applicant is hereby released on bail on furnishing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousands only) alongwith one solvent surety in the like amount in connection with Crime No.341 of 2023 registered with Naldurg Police Station, Dist. Osmanabad for the offence punishable under Sections 394, 395 and 341 of the Indian Penal Code.
- (c) He shall attend the concerned Police Station on every Thursday in between 10:00 a.m. to 11:00 a.m., until further orders.
- (d) He shall not tamper with the evidence of prosecution in any manner and shall cooperate

with the investigating machinery as and when required.

- (e) Bail in lower Court.
- (f) The application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE