

Corrected Order

This order is corrected by speaking to the minutes order dated 25.10.2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1665 OF 2023

Ravi S/o. Sundar Kale	 Applicant
Versus	
The State of Maharashtra	 Respondent

.....
Ms. S.G. Chincholkar, Advocate for the Applicant
Mr. K.S. Patil, APP for Respondent-State
.....

[CORAM : S. G. CHAPALGAONKAR, J.]

DATE : 17th OCTOBER, 2023

ORDER :

1. The applicant seeks regular bail in connection with Crime No.148 of 2021 registered with Neknoor Police Station, District Beed for the offences punishable under sections 395, 397 of the Indian Penal Code.

2. Investigation was set in motion on the basis of information given by Aslam Khan Sadeque Khan, who states that he is a driver by profession. On 19.03.2021, he was proceeding towards Gujrat from Andhra Pradesh with co-driver namely Shoiab Khan in a Truck. On 19.06.2021, while they were passing from Chousala bypass on Dhule-Solapur Highway, the accused persons intercepted their vehicle and assaulted him and his companion by iron rod and stick. They snatched the cash amount and mobile phone, and also took away the Truck along with goods.

3. On the basis of aforesaid information, Crime No.148 of 2021 has been registered with Police Station Neknoor against the accused persons for the offence punishable under sections 395 and 397 of the Indian Penal Code.

4. The investigation is progressed. The accused persons were arrested. Initially charge-sheet is also filed against applicant under section 299 of the Code of Criminal Procedure. However, the applicant is arrested on 04.07.2023.

5. Ms. Chincholkar, learned advocate appearing for the applicant submits that the applicant has been falsely implicated in the aforesaid crime. Only evidence that relied by the prosecution is the statement of co-accused in the memorandum under section 27 of the Evidence Act, wherein the name of the applicant is taken as co-accused. She would submit that the aforesaid evidence would be inadmissible and no case can be made out against the applicant.

6. Learned APP strongly opposes the prayer for grant of bail. He would submit that although the incident took place on 19.06.2021, the applicant could be arrested on 04.07.2023. He would further submit that two accused persons in statements under section 27 of the Evidence Act, clearly named applicant as one of the accomplice. He would therefore opposed the prayer for grant of bail.

7. Having considered the submissions advanced, apparently, the F.I.R. has been registered against unknown accused persons. During the police investigation, some accused persons are arrested. The incriminating articles are

recovered from them. In their statement, they have named the applicant. Subsequently, charge-sheet is filed against the applicant, which do not show independent evidence. The applicant was remanded to P.C.R., but nothing is recovered. Neither any identification parade is conducted, nor is evidence in respect of the CDR for relevant period is collected. Apparently, the evidence against the applicant is bereft to make out any offence charged. Learned APP confirmed that there are no criminal antecedents. In that view of the matter, further detention of the applicant cannot be continued. The case is made out for grant of bail. Hence, the order.

O R D E R

- (i) Bail Application is hereby allowed.
- (ii) The applicant – RAVI SUNDAR KALE be released on bail in connection with Crime No.148 of 2021 registered with Neknoor Police Station, District Beed for the offences punishable under sections 395, 397 of the Indian Penal Code. on his furnishing P.B. & S.B. of Rs.50,000/- (Rupees Fifty Thousand), on the following conditions :-
 - [a] The applicant shall not tamper the prosecution evidence.
 - [b] The applicant shall not indulge in similar offence.
 - [c] The applicant shall update his address and contact number with the concerned Police Station.

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[d] The applicant shall attend each and every effective date before the trial court.

(iii) Bail application is accordingly disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

S.P Rane