

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

**BAIL APPLICATION NO.1674 OF 2023**

1. Nitin Bapurao Mohite,  
age 20 yrs, Occ. Labour.
2. Shankar s/o Shrirang Mohite,  
age 22 yrs, occ. labour.

Both r/o Safli,  
Tq. Kalamnuri, Dist. Hingoli.

.Applicants

Versus

The State of Maharashtra  
and another.

.Respondent

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Mr. Sachin S. Deshmukh, Advocate for the Applicant.  
Mr. K.S. Patil APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.**

**DATE : 19<sup>th</sup> OCTOBER, 2023.**

**PER COURT :-**

1. Heard learned counsel for the applicants and the learned APP for the respondents-State.
2. The applicants are seeking regular bail in connection with 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 Babu Khan 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 applicants 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 applicants. It appears that, a mobile phone is recovered from the applicant.

4. Mr.Deshmukh, learned Advocate appearing for the applicants would submit that considering the nature of the offence, Section 395 of the Indian Penal Code may not attract. He would submit that the applicants are 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. He would submit that the serious offence has been committed by the applicants and others. During the course of investigation, the applicants have 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 their involvement in commission of offence. 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 it's own time. The accused are behind the bar for more than five 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 applicants, that itself would not be the ground to continue the detention behind the bar till the conclusion of trial. The applicants can be enlarged on bail by putting certain conditions. Hence, the following order:

**ORDER**

- (i) Bail Application is allowed.
- (ii) The applicants no.1 - Nitin s/o Bapurao Mohite and 2 - Shankar s/o Shrirang Mohite be released on bail in connection with 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) EACH with one solvent surety of the like amount on following conditions :-
  - a. The applicants shall not tamper with the prosecution evidence in any manner.
  - b. The applicants shall not involve themselves in any offence.
  - c. The applicants shall attend the proceedings before the Sessions Court.
- (iii) Application is disposed of.

( S. G. CHAPALGAONKAR )  
JUDGE

aaa/-

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