

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

BAIL APPLICATION NO.1789 OF 2023

1. Abik @ Mahadik Bandya Bhosale
2. Swarup @ Gundya Dischar Kale ...Applicants

Versus

The State of Maharashtra ...Respondent

**ALONG WITH
BAIL APPLICATION NO.1796 OF 2023**

Rameshwar Janglya Bhosale ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. J.M. Murkute, Advocate for the applicants.
Mr. K.S. Patil, APP for respondent-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 27th OCTOBER, 2023

PER COURT:

1. The applicants seek regular bail in connection with Crime No. 769 of 2023 registered with Newasa police station, Ahmednagar for the offences punishable under sections 399, 402 of Indian Penal Code and under section 4, 25 of Arms Act.

2. The investigation was set in motion on the information given by Sandip Darandale who is deputed in local crime branch, Ahmednagar. In nutshell it is alleged that a secret

information was received by police that some persons are preparing to commit dacoity. Accordingly, police party arranged a trap along with panchas and reached the spot i.e. near Khadka phata. They found six persons in suspicious condition. After seeing the police they made an attempt to flee away. However, out of six, four persons have been apprehended on the spot. On their search in the presence of panchas incriminating articles like a sword, air gun, wooden logs and motorcycles were recovered. As such applicants have been arrested on the same day i.e. 18.07.2023. Since, then they are behind the bars. The prayer of the applicants for grant of bail has been rejected by the Court of Sessions at Newasa. Hence, this application.

3. Mr. Murkute, the learned advocate appearing for the applicants would submit that the applicants have been falsely implicated. They have not committed any offence. Only four persons are apprehended. Section 399 of IPC may not be attracted in the such cases. He would further submit that investigation is complete, charge sheet is filed and therefore further detention of the applicants would not be necessary.

4. The learned APP strongly opposes the prayer for grant of bail on the ground that there are criminal antecedents to discredit the applicants.

5. Having considered the submissions advanced, prima facie, it can be observed that only four persons have been apprehended on the spot. Whether they were preparing for dacoity or not cannot be gathered on the basis of material on

record. The seizure of motorcycles, wooden logs or air gun itself cannot be the material by which inference of preparation for dacoity can be drawn in absence of further corroborative evidence. There are criminal antecedents to discredit the applicants. So far as applicants in Bail Application No. 1789/2023 are concerned, the offence under section 399 IPC is registered against them that itself is not sufficient to continue their detention. Even the as regards to applicant in Bail Application No. 1796/2023, learned APP points out that there are ten offenses registered him. However, for the aforesaid observations, it is difficult to make a case against applicant to attract section 399 of IPC. In that view of the matter, further detention of the applicants need not be continued. The investigation in the matter is complete, charge sheet is filed. Hence, the case is made out for grant of bail. Hence, the order.

O R D E R

- i. Bail Applications are hereby allowed.
- ii. The applicants be released on bail in connection with Crime No. 769 of 2023 registered with Newasa police station, Ahmednagar for the offences punishable under sections 399, 402 of Indian Penal Code and under section 4, 25 of Arms Act, on furnishing P.B.&S.B. of Rs.50,000/- (Rs.Fifty Thousand) each, on the following conditions :-
 - a] The applicants shall not tamper the prosecution evidence.
 - b] The applicants shall attend each and every effective date of hearing before the Sessions

Court.

- c] The applicants shall not indulge into similar offence.
 - d] The applicants shall furnish their residential addresses along with contact numbers with the concerned police station and shall update the same once in a month and also visit the police station on 5th of every month, for a period of six months.
- iii. Bail applications are accordingly disposed off.

[S. G. CHAPALGAONKAR, J.]