

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

23 BAIL APPLICATION NO.2025 OF 2022

SUNDERSINGH @ GULBYA @ SHIVA SHIVAJI BHOSALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Pathan Yunus Basheer.
APP for Respondent-State : Mr. S. P. Deshmukh.
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CORAM : S. G. MEHARE, J.
DATE : 02.01.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. A serious offence of dacoity with causing death has been registered against the applicant and other co-accused. The injured tried to apprehend one of the co-accused, but the other co-accused started assaulting the injured and they rescued the person who was apprehended. The prosecution has strong evidence of the recovery of the golden beads, which were recovered at the instance of the applicant. The applicant was absconding for about five months from the date of the alleged incident. The prosecution has also the case of 12 crimes to the discredit of the applicant.

3. Learned counsel for the applicant would submit that the applicant was not identified by the witnesses. The recovery at belated stage from the public place also creates doubt. The applicant is a labour. He was in the village for about 5 months from the date of the incident till his arrest. The investigation has been completed. Hence, he may be granted bail.

4. Perusal of the record reveals that a serious offence has been committed by the alleged accused. The accused were on the spot of the incident. They started assaulting one of the injured so the other relatives came there to rescue him. Thereafter, again the dacoits assaulted the injured and kill one of the family members of the first informant. The incident happened in night. Therefore, identification of the applicant may not be possible. Normally, in the cases of dacoity and robbery, recovery of the stolen ornaments is the best possible evidence. The so called golden beads were recovered from under the stone. Such an information was only with a person who hide the stolen property. The golden beads are small in size, therefore, it was possible to hide it under the stone even in a public place. A strong evidence of recovery of the alleged robbed property is available against the applicant. In addition to this, there are 12 similar cases registered against the

applicant. He was absconding for about five months after the alleged incident. His post incident conduct also goes against him.

5. Considering the material collected against the applicant, and nature of the offence, the Court is of the view that this is not a fit case for bail. Hence, the application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-