



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

BAIL APPLICATION NO.2114 OF 2023

1. Kanvarlal Ramprasad Pawar
2. Dev Danya Pawar
3. Rahul Kapilal Bhosale
4. Karan Kapur Dany Pawar ..Applicants

Versus

The State of Maharashtra,
through the Officer In-charge,
Muktainagar Police Station, Muktainagar,
Tq. Muktainagar, Dist. Jalgaon ..Respondent

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Mr. Rajendrraa S. Deshmukkh, Senior Advocate a/w Ms. Yugandhara A. Namde, i/by Mr. Devand R. Deshmukkh and Mr. Vishal Chavan, Advocate for the Applicants.
Mrs. P. J. Bharad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th DECEMBER, 2023.**

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.416/2023 registered with Muktainagar Police Station, Dist. Jalgaon for the offences punishable under Sections 399, 402 of the Indian Penal Code, Section 4/25 of the Arms Act and Sections 37(1)(3) and 135 of the Maharashtra Police Act.

2. The investigation was set in motion on the basis of the information given by Mr. Pradip Mohan Ingale, Police Officer at Muktainagar Police Station. It is alleged that on 06.11.2023 at about 21.30 hours the information was received from the Police

Inspector-Nagesh Mohite that 5 to 6 persons have gathered on Muktainagar to Kurha road with intention to commit dacoity. Accordingly, the first informant alongwith police party and panch witnesses, rushed to spot and nabbed the accused persons. The instruments like iron rods, ropes, knife, mobile phones have been recovered from their possession. When their vehicle was searched a sword, gas cylinder and 30 feet long rope etc. has been found. The applicants have been arrested on the spot. It is alleged that companions of the applicants escaped from the spot. The applicants are behind the bar since the date of arrest. Their prayer for grant of bail has been rejected by the Court of Sessions vide order dated 10.11.2023. Hence, this application.

3. Mr. Deshmukkh, learned Senior Advocate appearing for the applicants would submit that the applicants have been falsely implicated in the aforesaid crime. There are no incriminating circumstances by which the applicants can be held guilty for the offences under Sections 399 and 402 of the Indian Penal Code. He would submit that the applicants are young aged persons. There are no criminal antecedents to their discredit. The investigation in the matter is practically over and further detention of the applicants would not be necessary. Hence, he urges to release the applicants on bail.

4. The learned APP strongly opposes the prayer for grant of bail. She would point out that applicant no.2 has been previously found involved in an offence, as such he has criminal antecedent. She confirms that no criminal antecedents have been reported against applicant nos.1, 3 and 4. However, she submits that the applicants were apprehended in suspicious state. The weapons and articles recovered suggest that they had prepared for dacoity and intendeding to commit offence. They had no

explanation regarding possession of incriminating articles, particularly gas cylinder and ropes.

5. Having considered submissions advanced, it is apparent that the applicants have been apprehended on suspicion in raid conducted by the police. The recovery of incriminating articles is shown from the vehicle. The investigation progressed. The applicants were remanded to police custody. However, nothing incriminating could be found. Except applicant no.2, there are no criminal antecedents against applicants. Prima facie, the material in charge-sheet is bereft to make out offence punishable under Section 399 of the Indian Penal Code. The alleged offence is punishable upto 10 years. The applicants are behind the bar for more than six weeks. The investigation in the matter is practically over. In that view of the matter, further detention of the applicants would not be necessary. Hence, case is made out for grant of bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Kanvarlal Ramprasad Pawar, Dev Danya Pawar, Rahul Kapilal Bhosale and Karan Kapur Dany Pawar be released on bail in Crime No.416/2023 registered with Muktainagar Police Station, Dist. Jalgaon for the offences punishable under Sections 399, 402 of the Indian Penal Code, Section 4/25 of the Arms Act and Sections 37(1)(3) and 135 of the Maharashtra Police Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicants shall not tamper with the prosecution evidence in any manner.

b. The applicants shall attend each and every effective date before Trial Court.

c. The applicants shall attend concerned police station once in a week i.e. on every Friday between 10.00 am to 02.00 pm till filing of the charge-sheet.

d. The applicants shall furnish their residential address with supporting documents and contact numbers with Investigating Officer and shall update the same time to time till conclusion of the trial.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE