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

34 BAIL APPLICATION NO. 58 OF 2024

RAHUL @ AJAY SHESHERAO RATHOD

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. S. N. Patil, Advocate for the applicant

Mrs. P. J. Bharad, APP for the respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 05th FEBRUARY, 2024

P. C.

1. Learned advocate for applicant seeks leave to add section 34 in prayer clause-B. Leave is granted. Amendment be carried out forthwith.

2. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure Code. Accused is arrested in Crime No. 452 of 2022 registered at Omurga Police Station, Osmanabad for the offences punishable under Sections 395 read with Section 34 of the Indian Penal Code.

3. It is averred in the report that the applicant and other accused came before the car and parked two motor cycles on the road. Therefore, informant stopped the car. All the five persons were holding sickle in their hands. One person assaulted on the neck of the informant and threatened him and demanded money. Therefore, he handed over Rs.5,000/- to them. Informant thereafter proceeded further. Later on co-accused was arrested. FIR was lodged.

4. Learned advocate for applicant submits that no any article is seized at the instance of the applicant. Test identification parade is not conducted. The applicant has roots in the society. Charge-sheet is filed.

5. Learned APP has strongly opposed the application and submits that applicant run away from the spot by taking disadvantage of the dark. Amount of Rs.2,500/- is seized while he was arrested. The applicant has criminal antecedents and he

was arrested in another Crime No. 218/2023 for similar crime under Section 392, 504 read with section 34. Therefore, learned APP prays to reject the application.

6. Perused the charge-sheet. All the accused have been arrested. Trial will take long period. As far as criminal antecedents of the applicant is concern some stringent condition can be imposed for prevention of further commission of such nature of crime. The application, therefore, deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

a] Bail application is allowed.

b] Applicant in connection with crime No.452/2023 registered with Omerga Police Station, Dist. Osmanabad be released on bail on furnishing personal bond of Rs.1,00,000/- [Rupees One lakh only] with one surety of the like amount on following conditions:-

- i) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
- ii) Applicant shall not enter into the entire Latur and Osmanabad District except dates fixed for hearing of Sessions Case Nos. 452/2023 & 218/2023.
- iii) If any breach is committed by applicant, the prosecution/informant is at liberty to proceed further for cancellation of bail before trial court.
- iv) The learned trial court is at liberty to decide the application for cancellation of bail on merits without reference to this court.
- v) Applicant shall not indulge in such type of criminal activities henceforth.
- vi) If applicant is involved in such a

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nature of crime again, the prosecution
/informant is at liberty to pray for
cancellation of bail before the trial court.

[SANJAY A. DESHMUKH, J.]

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