



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 BAIL APPLICATION NO. 65 OF 2024

SHIDDHARTH @ KAMAT BHAIYA RAHEMAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mrs. Vaishali Arun Shinde (More)
APP for Respondent/State : Mrs.Pratibha J. Bharad
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CORAM : SANJAY A. DESHMUKH, J.
DATED : 30th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking bail in connection with crime No.161 of 2021 registered with Dindrud Police Station, Tq.Majalgaon, District Beed, for the offences punishable under Sections 395, 459, 457, 380 of the Indian Penal Code.
2. Informant averred in the report that on 29.07.2021 all the family members were slept in their respective rooms. At about 12.45 a.m. of 30.07.2021, the informant heard knocking of the door. The four persons entered in the house, therefore, she made hue and cry. Her brother Laxman woke up and came there. One person was wearing black-yellow line T-shirt and having wooden log in his hand. Another person wearing T-Shirt having knife in his hand. As soon as they noticed the informant and others, they started to assault them by knife and wooden log. They got the golden ornaments from her neck

by cutter. They assaulted Shamal Shinde by wooden log and knife on her head and took out the ornaments from her neck. All these four persons beaten all the family members including children by pressing her mouth. They also took some golden ornaments and cash amount from the cupboard and than ran away. Report was lodged immediately on the day of incident itself.

3. The learned advocate for the applicant submitted that in the test identification parade the applicant was not identified by the informant and any family members. The applicant is behind bar since one year. The applicant is falsely implicated in the crime. It is lastly prayed to allow the application.

4. The learned APP for the State strongly opposed the application and pointed out that stolen ornaments worth Rs.95,300/- is seized at the instance of this applicant under section 27 of the Indian Evidence Act. The applicant is habitual offender. He is also prosecuted for similar nature offence in C.R.No.194 of 2021. If the applicant is released on bail, he may commit same nature of offences in future. Considering the serious nature of the crime, she lastly prayed to reject the application.

5. Perused the FIR and papers of investigation. The ornaments of Rs.3,50,700/- were stolen away. Stolen article of Rs.95,300/- are recovered at the instance of this applicant under section 27 of the Indian Evidence Act.

6. The applicant is involved in the serious crime. He has criminal antecedents. If he is released on bail, there is possibility of commission of same nature of crime on his part. Considering all these aspects, the applicant is certainly not entitled for the bail. Hence the application is rejected.

(SANJAY A. DESHMUKH, J.)

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