



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1001 BAIL APPLICATION NO. 348 OF 2024

1. Aditya Vijay Dhawan
 2. Sumit Babasaheb Shejwal
 3. Ritesh Prabhakar Wadmare
 4. Swapnil Jankiram Taware
- ...Applicants

VERSUS

The State of Maharashtra

...Respondents

...

Advocate for Applicants : Mr. Abhaysinh K. Bhosle
APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 1st MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Cr.P.C. in connection with crime No. 0370 of 2023 registered with Washi police station, District Dharashiv (Osmanabad) for the offences punishable under Sections 399, 402 of the I.P.C. and under Sections 3/25 and 4/25 of the Arms Act. Their application with similar prayer bearing criminal bail application No. 09 of 2024 came to be rejected by the learned Additional Sessions Judge, Bhoom, vide order dated 31.01.2024.

2. It is averred in the report by the police station officer Navnath Bharat Surwase that they got the information that the applicants and

other co-accused have prepared to commit the offence of dacoity. Accordingly, they went there and they noticed that 8 persons were sitting by concealing them in a ditch by the side of road. They were trying to run away. They were caught hold by the police. Their mobile handsets were seized. One sickle and iron rods were also seized.

3. Learned advocate for the applicants submitted that the applicants have no criminal antecedents. They are falsely implicated in the crime. There is no prima facie material against the applicants. The applicants have roots in the society. They will not flee away from trial. The trial will take a long period. The applicants are ready to abide the conditions of bail as would be imposed upon them. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicants are involved in serious crime for preparation to commit dacoity. If the applicants are released on bail, they are likely to commit such type of offences. Considering the serious nature of the crime, it is lastly prayed to reject the application.

5. Perused the charge sheet, papers of investigation and the statements of witnesses. Without adverting to the merits of the case and considering the fact that the applicants have no criminal

antecedents, they have roots in the society, they will not flee away from trial and the trial will take a long period, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No. 0370 of 2023 registered with Washi police station, District Dharashiv (Osmanabad) for the offences punishable under Sections 399, 402 of the I.P.C. and under Sections 3/25 and 4/25 of the Arms Act, be released on bail on furnishing personal bond of Rs.30,000/- each with one surety each of the like amount on following conditions:-
 - a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not indulge in similar nature of activities in future.
 - c) If any breach of condition is found to have been committed, then the investigating officer or the prosecution shall file application before the trial court for cancellation of bail of these applicants. The trial court without reference to this Court, shall proceed further to decide the said application by giving opportunity of hearing to the applicants.

- d) If the applicants remain absent for trial continuously for three consecutive dates, the trial court may cancel their bail without reference to the Court.

(SANJAY A. DESHMUKH, J.)

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