



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

998 BAIL APPLICATION NO. 375 OF 2024

Shivaji Subhash Barde
VERSUS
The State of Maharashtra

Advocate for Applicant : Mr. A.R. Syed
APP for Respondents: Mr. Satish A. Gaikwad

CORAM : SANJAY A. DESHMUKH, J.
DATED : 4th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 576 of 2023 registered with Ambad police station, District Jalna for the offences punishable under Sections 457, 380 of the I.P.C. His application with similar prayer bearing criminal bail application No. 376 of 2023 came to be rejected by the learned Additional Sessions Judge, Ambad, district Jalna vide order dated 21.12.2023.

2. It is averred in the report that the applicant and other co-accused have committed theft of Rs.60,000/- from a temple of Matsyodari Devi Temple, Ambad by breaking the donation box.

3. Learned advocate for the applicant submitted that the charge sheet is submitted. The applicant has roots in the society, he will not

flee away from trial, the trial will take a long period. Lastly, it is prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the donation box kept in the temple of Matsyodari Devi at Ambad was broken by taking it out. The same is reflected in the CCTV footage also. The applicant is involved in serious crime. An amount of Rs.13450/- is recovered from the applicant. The applicant is habitual offender, as he is involved in six crimes of similar nature. It is lastly prayed to reject the application.

5. Perused the charge sheet, report and the statements of witnesses. There are documents showing that the applicant is involved in other crimes of similar nature. The applicant has criminal antecedents. However, his presence can be secured for the trial. The trial will take a long period. The applicant is behind bars since last six months. Considering all these aspects, the applicant can be released on bail on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 576 of 2023 registered with Ambad police station, District Jalna for the

offences punishable under Sections 457, 380 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicant shall not indulge in similar type of offences in future.
- c) The applicant shall attend the trial of the case regularly.
- d) Except on the dates fixed for hearing of the court case/s, the applicant shall not enter within the vicinity of Ambad Tahsil, district Jalna.
- e) If any breach of the above conditions is noticed by the trial court, the trial court is at liberty to cancel the bail of this applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

rlj/