



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 BAIL APPLICATION NO. 532 OF 2024

Suryakant Laxman Jadhav

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. S.J. Salunke h/f Mr.Jadhav Hanumant P.
APP for Respondent/State : Mrs.Pratibha J. Bharad

...
WITH
BAIL APPLICATION NO. 578 OF 2024

1. Govind Navnath Neharkar
2. Karan Vilas Hazare

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent/State : Mrs.Pratibha J. Bharad

...
WITH
BAIL APPLICATION NO. 579 OF 2024

1. Shantilal Damodhar Munde
2. Balaji Mahadev Puri
3. Balaji Rameshwar Maind

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

...
Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent/State : Mrs.Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 17th APRIL, 2024.

PER COURT :-

. Heard both the sides.

2. When this Court expressed disinclination to allow the application of applicant no.1 – Govind Navnath Neharkar in Bail Application No.578 of 2024 and applicant no.1 – Shantilal Damodhar Mundhe and applicant no.3 Balaji Rameshwar Maind in Bail Application No.579 of 2024, the learned advocate for the applicants, on instructions, seeks leave to withdraw the applications to their extent with permission to file fresh applications after filing of the charge-sheet before the trial Court.

3. Leave granted. The applications to their extent stand disposed of as withdrawn with liberty as prayed for.

4. As far as remaining applicants are concerned, the applicants are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.0023 of 2024 registered with Wadvani Police Station, Dist. Beed, for the offences punishable under sections 395 and 394 of the Indian Penal Code.

5. It is averred in the report that informant was proceeding with an amount of Rs.51,00,000/-. The two unknown persons having mask around their faces stopped his vehicle. Thereafter, another three unknown persons masked their faces by handkerchief came from Swift Car and started beating to the informant by stick and snatched an amount of Rs.51,00,000/- and ran away.

6. The learned advocate for the applicants submitted that there is no recovery of any amount at the hands of applicant – Suryakant Laxman Jadhav in Bail Application No.532 of 2024, applicant no.2 – Karan Vilas Hazare in Bail Application No.578 of 2024 and applicant no.2 – Balaji Mahadev Puri in Bail Application No.579 of 2024. The learned advocate for the applicants further submitted that though some of the applicants have criminal antecedents, they have not committed the offence of dacoity. They have roots in the society. They will not flee away from the trial. Practical investigation is over. It is lastly prayed to allow the applications.

7. The learned APP for the respondent-State strongly opposed the applications and submitted that the applicants are involved in the serious crime. They kept watch on the informant and with plan, they committed dacoity. One of the co-accused is not yet arrested. If the applicants are released on bail, considering their criminal antecedents, they will commit same nature of crime in future.

It is lastly prayed to reject the applications.

8. Perused the papers of investigation. There are criminal antecedents against applicant – Suryakant, however, it was case under sections 324, 323 etc. The applicants have roots in the society. They will not flee away from the trial. Practical investigation is over and further custody of the applicants is not necessary. Considering all these aspects, the applicants are entitled for bail on the principle that bail is rule and jail is exception on certain stringent conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicant – Suryakant Laxman Jadhav in Bail Application No.532 of 2024, applicant no.2 – Karan Vilas Hazare in Bail Application No.578 of 2024 and applicant no.2 – Balaji Mahadev Puri in Bail Application No.579 of 2024, in connection with crime No.0023 of 2024 registered with Wadvani Police Station, Dist. Beed for the offences punishable under sections 395 and 394 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicants shall not indulge in any such nature of crime in future.

III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to this applicant without further reference to this Court.

IV. The applicants, whose applications are withdrawn, are entitled to file fresh application for bail after filing of the charge-sheet. They are at liberty to file the applications after filing of the charge-sheet before the trial Court.

(SANJAY A. DESHMUKH, J.)

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