



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 BAIL APPLICATION NO. 583 OF 2024

Vijay @ Banti Chandu Adhav

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Suraj R. Bagal h/f Mr. B.N. Gadegaonkar
APP for Respondents: Mrs. Deepali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 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. 48 of 2024 registered with Basmath Rural police station, District Hingoli for the offences punishable under Sections 399, 402 of the I.P.C. and under section 4/25 of the Arms Act. His application with similar prayer bearing criminal bail application No. 46 of 2024 came to be rejected by the learned Additional Sessions Judge, Basmath, vide order dated 29.2.2024.

2. It is averred in the report by the police officer Rajesh Malapillu that he came to know that some persons are sitting in suspicious condition by the side of Basmath-Nanded road, near a bridge. Two panchas were called and two persons were caught hold on the spot. Three persons ran away from the spot. When the applicant and others were found with chilly power, iron road, motor cycle, Sattur

etc. which were seized at the instance of the applicant. Other articles like rope, Honda Shine motor cycle etc. were also seized. Accordingly report was lodged.

3. Learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has no criminal antecedents. The practical investigation is over. The applicant has roots in the society, trial will take long period, the applicant will not flee away from the trial. 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 applicant has committed serious crime. He has criminal antecedents. The investigation is in progress. Considering the aspect that the applicant has committed serious nature of crime, it is prayed to reject the application.

5. Perused the papers of investigation, particularly the report and the statements of witnesses. The papers of investigation shows that the practical investigation is over and the applicant has no criminal antecedents like this nature of crime. He is shown as involved in the crime registered under section 363 of I.P.C. however, that matter has been compromised and disposed of. The applicant has roots in the society, he will not flee away from the trial. The application therefore, deserves to be allowed on certain conditions on the principle that the bail is rule and jail is exception. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 48 of 2024 registered with Basmath Rural police station, District Hingoli for the offences punishable under Sections 399, 402 of the I.P.C. and under section 4/25 of the Arms Act, be released on bail on furnishing personal bond of Rs.25,000/- 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) If any breach of the above condition is noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of the applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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