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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 BAIL APPLICATION NO. 749 OF 2024

SACHIN DAGDU SHINDE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondent

Mr. Amit A. Yadkikar, Advocate for the applicant
Mr. S. A. Gaikwad, APP for the respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 08th MAY, 2024

P. C.

1. The applicant is seeking bail under Section 439 of the Criminal Procedure Code, 1973. The applicant has been arrested in connection with Crime No. 84 of 2024 registered with Police Station, Bardapur, Dist. Beed for the offences punishable under Sections 307, 324, 427 read with Section 34 of the IPC and Sections 3 and 4 of the Explosive Substance Act, 1908.

2. It is averred in the report that the applicant sold the

gelatin rod to the co-accused. Thereafter, at about 08.30 pm, there was big blast taken place in the pan stall when he was selling the said gelatin in the pan stall.

3. The learned advocate for the applicant submitted that the applicant's role is that he was illegally possession that gelatin and therefore, he is arrested. The learned advocate for the applicant further submitted that the applicant has no criminal antecedents. It is lastly prayed to allow the application.

4. The learned APP for the respondents/State has strongly opposed the application and submitted that the applicant is involved in the serious crime. He can be held liable for the offence punishable under section 5 of the Explosive Substance Act, 1908, for possession the explosives under the suspicious circumstances. If the applicant is released on bail, he will commit such offence again. Investigation is not yet over. It is lastly prayed to reject the application.

5. Perused the papers of investigation, particularly the report and statements of the witnesses. The papers of investigation show that explosive substance stolen by co-accused Shaikh Anil. He sold it to the main accused. The applicant has no criminal antecedents. His role is different than the main accused. Considering all these aspects, the application deserves to be allowed as the applicant has roots in the society, he will not flee away from the trial, he has no criminal antecedents, trial would take long period on the principle that the bail is rule and jail is exception, on certain conditions. Hence, the following order:-

ORDER

- i. Application is allowed.
- ii. The applicant in connection with crime No. 84 of 2024 registered with Police Station, Bardapur, Dist. Beed for the offences punishable under Section 307, 324, 427, 34 of the IPC and under Section 3 and 4 of the Explosive Substance Act, 1908 be

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released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on the following conditions:-

a] The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.

b] The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.

iii. If any breach of the above condition 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 parties to act upon authenticated copy of this order.

[SANJAY A. DESHMUKH, J.]