



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

BAIL APPLICATION NO.1205 OF 2024

1) Hitesh S/o Rajendra Padavi,
(Original Accused No.4),
Age-22 years, Occu:Labour,

2) Nikhil S/o Sunil Valvi
(Original Accused No.5),
Age-22 years Occu:Labour,

Both are the R/o- Village Kothali,
Taluka and District-Nandurbar.

...APPLICANT

VERSUS

The State of Maharashtra,
Through Up Nagar Police Station,
Nandurbar.

...RESPONDENT

...
Mr. Sagar S. Ghate Advocate for Applicant.
Mr. S.B. Narwade, A.P.P. for Respondent – State.
...

CORAM: S.G. MEHARE, J.

DATE : 30th JULY 2024

ORDER :

1. Heard learned counsel for the applicants and learned APP
for the State.

2. The applicant seeks bail in Crime No. 197 of 2024 registered with Up Nagar Police Station, Nandurbar, District-Nandurbar, for the offence punishable under Sections 394, 395 read with Section 34 of the Indian Penal Code.

3. As per the First Information Report, the complainant alleged against two persons travelling on a single bike. He made a complaint that these two persons came near him and kicked him. He fell down. Thereafter they removed the key of the vehicle and took away the moneybag hanged to the handle of the motor bike. However, subsequently, first informant added more accused and the offence was made serious. The motorbike allegedly driven by the applicants and the cash amount of Rs.11,000/- has been recovered from the applicants.

4. Learned counsel for the applicants submits that the applicants did not commit the offence as alleged. The victim has no reason to carry the cash in a bag hanging to the handle of the motorbike. The applicants were not knowing the victim. There are no antecedents to their discredit. Hence they may be granted bail.

5. Perused the First Information Report. It was lodged against two persons. In supplementary statement, four more accused have been arraigned and offence has been made serious and grave. Considering the story of carrying cash in a bag hanging it to the handle of the motorbike, it may be matter of consideration before the trial Court. The story appears to have been exaggerated in the supplementary statement. There are no antecedents to the discredit of the applicants. Material investigation has been completed. The Test Identification Parade can be conducted at any time, even after the release of the applicants. Considering the facts of the case and the material placed on record, it would be inappropriate to keep the applicants behind the bars. Hence the following order:-

ORDER

- i) Bail Application stands allowed.
- ii) Applicant No.1 - Hitesh S/o Rajendra Padavi and applicant No.2 - Nikhil S/o Sunil Valvi be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each, with one solvent surety of the like amount each, in the above crime, on the condition that:-

(a) The applicants shall attend the concerned police station as and when called by the investigating officer on written notice, till filing of the charge-sheet.

(b) The applicants shall also attend the Test Identification Parade, as and when arranged by the Investigating Officer.

[S.G. MEHARE, J.]

asb/JULY24