



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

BAIL APPLICATION NO. 1523 OF 2024

SHAIKH KHADIR S/O SHAIKH MAGDUMSAB
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Bharat N. Gadegaonkar
APP for Respondent : Mr. A. S. Shinde
...

CORAM : S. G. MEHARE, J.

DATE : 06-09-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.
2. The applicant seeks bail in C.R.No.0186 of 2024 registered with Police Station Kandhar, District Nanded, for the offences punishable under Sections 395 and 398 of the Indian Penal Code.
3. This Court expressed a view that this is not appropriate case to grant bail. However, the learned counsel for the applicant went on arguing.
4. He submits that he was the owner of the vehicle which the other co-accused hired. He was not a Member of the dacoits while committing the crime. He further submits that the applicant was driver of the car and other co-accused hired his vehicle. The offence is committed by other co-accused. Hence, he may be granted bail.

4. The learned A.P.P. points out that the Investigating Officer has collected the evidence that the applicant was, all the while, with the co-accused at various places. He had knowledge of the crime, even then he took the co-accused away from Nanded. The amount of Rs.2,50,000/- has been recovered from the applicant.

5. The learned counsel for the applicant tried to convince the Court that a few months before the incident, he had sold his land. Therefore, he had money. However, the learned counsel for the applicant submits that from that money another land was purchased.

6. The perusal of the record further reveals that the applicant was present with the co-accused at many places before the incident. The huge amount of Rs.2,50,000/- has been recovered from him. *Prima facie* evidence is there against the applicant for not granting bail at this juncture. The offence is serious. The huge gold ornaments and cash amount of Rs.41,35,000/- were looted. The offence is grievous. If the applicant is granted bail, the possibility of tampering with the prosecution witnesses cannot be ruled out.

7. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE