



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

37 BAIL APPLICATION NO. 1656 OF 2024

YOGESH KAILASH KHARAT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Wakale Vijay Shivaji
APP for Respondent/State : Mrs. Vaishali S. Choudhari

...
CORAM : S. G. MEHARE, J.

DATE : 14th October, 2024.

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants seeks bail in Crime No.641 of 2023, registered with Rahuri Police Station, for the offences punishable under sections 394, 395, 364-A, 323, 341, 427, 504, 506 read with 34, 120-B of the Indian Penal Code, section 4/25 of the Arms Act, sections 37 (1)(3) and 135 of the Maharashtra Police Act and sections 3(1)(ii), 3(2) and 3(4) of the MCOC Act.
3. The prosecution case in brief is that a few persons were following the first informant. He was carrying with a huge cash of Rs.9,00,000/-. Car which was following him intercepted his Car. There were four persons. They robbed Rs.9,00,000/- and golden chain from him. In the investigation, it was transpired that co-accused Kiran Kolpe was wearing the stolen golden chain. Subsequently, the applicant have been arraigned as an accused on the basis of the information supplied

by co-accused. However, what role actually the applicant has played in the present crime is not specific and could not establish the nexus. Recovery of money may not be sufficient to establish the nexus. Earlier crimes registered against the applicant is also not a ground to refuse the bail, because while considering the bail applications, the Court has to consider the role attributed to the applicants in the crime. After having gone through the papers produced on record and as observed above, this Court is not satisfied that there was material to link the applicants with the present crime. They are languishing in jail for sufficient time. Hence, for the above reasons, they deserve bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant no.1- Yogesh Kailash Kharat and applicant no.2 – Sonu @ Sonya Sudhakar Pawar 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 like amount by each of them, in the above crime, for the aforementioned offences, on the following conditions :
 - (a) The applicants should not tamper with the prosecution witnesses.
 - (b) They should not involve in identical crime.

- (c) They should keep informed the concerned Investigating Officer on telephone their whereabouts on every Saturday between 5:00 a.m. to 7.00 p.m. till the trial is concluded.

(S.G. MEHARE, J.)

sga