



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

958 BAIL APPLICATION NO. 1783 OF 2024

Pradeep @ Banti Shriram Shravane

VERSUS

The State Of Maharashtra

...
Advocate for Applicant : Mr. Magre Sunil G, Godhamgaonkar Manish D.
APP for Respondents-State: Ms. V. S. Choudhari
...

CORAM : ARUN R. PEDNEKER, J.

Dated : November 12, 2024.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant Pradeep @ Banti Shriram Shravane is seeking bail as he was arrested in connection with FIR No.16/2022 dated 16/02/2022, registered with Barad Police Station, District Nanded, for the offences punishable under sections 392 r.w.34 of the Indian Penal Code.
3. The prosecution's case, in brief, is that on 15/02/2022, while the informant was returning to Nanded from a marriage function with his wife, daughter, and sister, they were traveling in a Swift Dezire car. In the early hours of 16/02/2022, around 1:00 a.m., near the Hanuman Temple, his brother-in-law stopped the car to urinate. At that moment, the applicant, along with three others, allegedly robbed them at knife point, taking Rs. 15,000 and two mobile phones of the VIVO brand.

4. Following the incident, an investigation was conducted. It is alleged that the applicant was later arrested in FIR No. 20/2022 registered with Barad Police Station, District Nanded. During custodial interrogation in that case, he reportedly admitted to committing the present offense, leading to his arrest in this matter. In the Barad Police Station case, a search was conducted under Section 165 of the Cr.P.C., during which he was found in possession of a Motorola mobile phone and a gun.

5. In the present case, the offense took place at night, and no identification parade was conducted to confirm the identity of the applicant. The learned APP fairly submits that an identification parade was not conducted in this case, and the mobile phone recovered from the applicant was a Motorola, not a VIVO, as reported in the FIR. Consequently, there is no evidence connecting the applicant/accused to the present FIR. Furthermore, neither the complainant nor any witnesses have identified the applicant.

6. Given these circumstances, this is a case warranting the grant of bail. The applicant has been in custody for more than two years.

7. In view of the above, the application is allowed in the following

terms :

a] The applicant shall be released on bail in connection with FIR No.16/2022 dated 16/02/2022, registered at Barad Police Station, District Nanded, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

8. Needless to say, in case of violation of any of the aforesaid

conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.