



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 BAIL APPLICATION NO. 1834 OF 2024

RAHUL RAVI BHOSALE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gaikwad Anil M.
APP for Respondent-State : Ms. V. S. Choudhari.

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CORAM : S. G. MEHARE, J.

DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.187 of 2024, registered with Supa Police Station, District Ahmednagar, for the offences punishable under Sections 395, 396, 397, 307, 302 of the IPC and Section 4/25 of the Arms Act.
3. It is the case of dacoity committed in the house of the deceased at the intervening night of the day of the incident. It was alleged that all the dacoits were masked. They looted the golden ornaments, currency notes and other valuable articles from the house of the first informant. On the next day of the incident, the applicant was arrested. The currency notes worth of Rs.7,500/- were recovered from him. However,

subsequently, after few days, his test identification parade was taken and he was identified.

4. Learned counsel for the applicant submits that when the dacoits had masked the faces, it was quiet impossible to believe that the injured were able to identify the applicant. His immediate arrest was only on the basis of the suspicion. Except the currency notes, nothing was recovered from him. The description of the dacoits was also not given in the First Information Report or any time thereafter. Hence, he may be granted bail.

5. Learned APP has strongly opposed the application and she would argue that the *modus operandi* of the applicant is material. After the incident, he was residing in the house as if nothing happened. It was a cool blooded dacioty. The accused killed a person. Since the offence is serious, he may not be granted bail.

6. Merely the offence is serious may not be a ground to refuse the bail, unless the prosecution has evidence that inspire the confidence that the accused has a nexus with the crime. The prosecution except the currency notes could not recover the incriminating material from the applicant. When the alleged dacoits had masked the story of the test identification

parade also does not inspire the confidence. There are no antecedents to the discredit of the applicant. Considering the material collected against him, it would be inappropriate to keep him behind bar though the offence is serious. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RAHUL RAVI BHOSALE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should attend the trial on each and every effective date.
 - (c) He should attend Police Station Supa for every Saturday between 1.00 p.m. to 3.00 p.m. for three (3) months from the date of his release.

(S. G. MEHARE, J.)

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vmk/-