



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

942 BAIL APPLICATION NO. 2317 OF 2023

SONUSING DEEPAKSINGH BHOND
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Dhananjay R. Gavhad.
APP for Respondent/State : Mr. Satish A. Gaikwad.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 09th January, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.255 of 2023, registered with Pishor Police Station, Taluka Kannad, District Aurangabad, for the offences punishable U/Sec. 394, 395, 457 and 506 read with 34 of the Indian Penal Code.

3 It is alleged that the applicant and other accused entered into the house of informant on the night of 9th August, 2023 at about 01:30 am to 02:00 am. They broke the door and with the help of knife and iron tommy, they threatened to kill the informant and his family members. They also threatened that they will cut them into pieces. Co-accused put the knife at the neck of Kartik and asked him as to

where the money is kept. They said they are not having money. The applicant and another accused took search. They found Rs.20,000/-. Then they took golden chain from the neck of the mother of informant. They also took silver beads worth Rs.12,500/- and golden Mangal Sutra worth Rs.24,000/-.

4 The learned counsel for applicant submitted that the stolen articles are recovered at the instance of co-accused. No any incriminating article is seized at the instance of the applicant. He submitted that the applicant has roots in the society and he will not flee away from trial. He lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application. He submitted that the applicant is identified in the test identification parade. He lastly prayed to reject the application.

6 Admittedly, the stolen articles are seized at the instance of co-accused and not from this applicant, as per Section 27 of the Indian Evidence Act. The statements of witnesses also show that co-accused, who is prime accused, was leading that commission of crime. Considering the fact that the applicant has roots in the society and he will not flee away from trial as well as the trial will take long period, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.255 of 2023, registered with Pishor Police Station, Taluka Kannad, District Aurangabad, for the offences punishable U/Sec. 394, 395, 457 and 506 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the witnesses.
 - b) The applicant shall not tamper with the prosecution evidence in any manner.
 - c) The applicant shall not indulge in such type of activities again.

[SANJAY A. DESHMUKH, J.]

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