

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2527 OF 2024

Magar @ Magarya Ajitbaba @ Ashok Kale ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Aniket Nikam with Mr. Pratik Jadhav, Sumit Patil, Amit Icham,
Ms. Shreya Anuwal, Advocate for Applicant.
Mrs. S. M. Yadav, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 9th OCTOBER, 2024

PC:-

- 1) Heard.
- 2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 09 of 2023 registered with Shirala Police Station, Sangli for the offences punishable under Sections 302, 396, 397, 394, 457 and 380 read with Section 34 of the Indian Penal Code, 1860.
- 3) The offence was registered against the unknown person. The applicant was arrested on 7th February, 2023 and at the time of arrest, the stolen ornaments were alleged to have recovered from the applicant. However, there is no identification parade conducted though the husband of the deceased was the eye-witness to the incident and he

himself is a victim. Furthermore, no identification of ornaments was made by mixing the ornaments with other ornaments.

4) In the above referred backdrop as the charge-sheet has been filed and the applicant is in jail from last more than two and half years, I am of the opinion that further custody of the applicant is not required.

5) The learned APP, on the other hand, strongly opposed the application and pointed out the antecedents and submitted that if the applicant is released on bail, he may commit similar offence. The said apprehension can be addressed by putting certain stringent conditions.

6) At this stage, the learned Counsel for the applicant, on instructions, submits that the applicant is ready to abide any condition even a condition not to enter in the Sangli District.

7) Accordingly, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 09 of 2023 registered with Shirala Police Station, Sangli for the offences punishable under Sections 302, 396, 397, 394, 457 and 380 read with Section 34 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall not enter into the territorial jurisdiction of Sangli District till the conclusion of the trial except on the date of trial;

- iv. The applicant shall provide his address and name of the nearby police station to the I.O, which he shall attend the said Police Station on 1st and 16th day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;
- v. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- vi. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;
- vii. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- viii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]