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

BAIL APPLICATION NO. 246 OF 2025

Mangesh S/o Kisan Ghuge,
Age – 24 years, Occu.: Labour,
R/o Yedhut, Tq. & Dist. Hingoli.

... Applicant

Versus

The State of Maharashtra,
Through Police Inspector,
Police Station Aundha Nagnath,
Tq. & Dist. Hingoli.

... Respondents

.....
Mr. R.J. Nirmal, Advocate for Applicant
Mr. S.B. Narwade,, APP for Respondent - State

.....

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 17 MARCH 2025

PRONOUNCED ON : 19 MARCH 2025

PER COURT :-

1. This is a regular bail application on account of arrest of the applicant in Crime No.0706 of 2024, registered at Aundha Nagnath Police Station, Hingoli for offences punishable under Sections 309(6) and 310(2) of the Bharatiya Nyaya Sanhita.

2. Learned counsel for the applicant submitted that above crime is apparently registered against the unknown persons. That, there are allegations of committing theft of gold

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ornaments and cash worth of Rs.5,65,000/-. Learned counsel further submitted that after arrest of main accused No.1, he allegedly reported the name of present applicant, and on that basis, applicant is arrested. Learned counsel further submitted that other co-accused namely, Dnyaneshwar Bhoyar like present applicant also was arrested on information given by main accused, but learned Additional Sessions Judge has granted bail to him on 28.02.2025. Therefore, learned counsel prays for grant of bail as according to him, applicant is ready to abide by all and any condition imposed by this Court.

3. Learned APP opposed the bail application on the ground that, present applicant is arrested in serious offence. That, there is theft of both cash as well as gold ornaments. That, present applicant was not only named by main accused, but he was also identified in identification test parade. According to learned APP, still investigation is incomplete, and charge-sheet has not yet been filed.

4. Heard. Perused the papers. Informant Santosh Saraf seems to be a jeweller. He reported police that, on 25.12.2024, while traveling by motorcycle with his wife, he was carrying a bag containing gold ornaments. After entering the vicinity of village

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Vasai, they were intercepted by three persons, who came on a motorcycle, out of them two had a handkerchief on their faces and one, who was taller was wooden stick, and he hit on the head of informant and started snatching bag, when informant resisted, they threw chilly powder in his eyes and snatched bag alongwith purse of his wife, and as such, gold ornaments and cash worth of Rs.5,65,000/- was taken away.

5. Learned APP has submitted that test identification parade is conducted and identification of applicant is shown. Learned counsel for the applicant places on record bail order of Dnyaneshwar Bhoyar passed by learned trial Court on 28.02.2025, wherein it is stated that, previous bail application was rejected as test identification parade was yet to be conducted. Now, test identification parade is already conducted, which is also the part of charge-sheet. Arrest is of 08.01.2022, but test identification parade is shown to be conducted on 28.01.2025. Be it so, recovery is already said to be effected. Therefore, when similarly placed accused is granted bail, there is no plausible reason to refuse bail to the present applicant. Resultantly, relief deserves to be granted. Hence, the following order :

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ORDER

- (i) Application is allowed.
- (ii) Applicant Mangesh S/o Kisan Ghuge,, be released on bail in connection with Crime No.0706 of 2024, registered with Aundha Nagnath Police Station, District Hingoli, on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not indulge in similar offence
- [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial, except attending the dates before trial Court.
- [d] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

ABHAY S. WAGHWASE,
JUDGE

S P Rane