



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

938 BAIL APPLICATION NO. 651 OF 2025

Tapesh Kiran Bhosle
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Ms. Magre Pratiksha Sunil
APP for Respondents-State: Ms. A. S. Mantri
...

CORAM : ARUN R. PEDNEKER, J.

Dated : July 03, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with FIR No.40/2025, dated 16/02/2025, registered with Sonai Police Station, Taluka Newasa, District Ahmednagar,, for the offences punishable under sections 309 (6), 3(5), 311 and 33 of Bharatiya Nyaya Sanhita, and under Section 4 and 25 of Arms Act.
3. It is the case of the prosecution that on 15/02/2025 at about 01.00 hours at midnight when the informant and his family members were sleeping, four unknown persons, covering their face by handkerchief have entered their house, assaulted them by sword and knife and by threatening the informant and his family members have committed the offence of robbery of golden ornaments. The present applicant was arrested on 15/03/2025 in another crime bearing No. 109/2025 registered with M.I.D.C. Police Station, Ahilyanagar for the offences punishable under sections 311 of B.N.S. and during investigation in that crime, confessional statement of the applicant was recorded and on the basis that statement, the applicant has been

arrested in the present crime also. The applicant has filed application for grant of bail before the trial Court, but the same has been rejected by the trial. Therefore, present bail application has been filed.

4. The learned counsel for the applicant submits that as per the allegations made in the FIR, the assailants had covered their face and they were unidentified, so also in the supplementary statement of the informant there is no mention about proper identification of the applicant and the informant has stated that thieves were caught by the police and names of thieves were told by them. The learned counsel submits that applicant is behind bars since 15/03/2025 and there is no evidence on record to connect the applicant with the present crime as nothing is recovered at the instance of the applicant in this crime. The learned counsel, therefore, prays for releasing the applicant on bail.

5. Per contra, the learned APP submits that the applicant is the habitual offender and there are criminal antecedents against the applicant. The learned APP submits that the stolen jewellery, melted gold in the present crime is recovered at the instance of other co-accused which was sold to one jewellery shop. The learned APP therefore prays for rejection of the application.

6. The learned APP does not dispute that no recovery is made at the instance of applicant in the present crime. On perusal of supplementary

statement of the informant, it appears that the informant has identified the accused including the present applicant in the police station. However, the learned counsel for the applicant submits that in the FIR there is clear statement that the assailants have used the handkerchief to cover their face and the informant would not be able to identify the applicant and other accused if shown and the supplementary statement of the informant is not reliable.

7. Considering the submissions of the learned counsel for the applicant and the learned APP, the fact that no recovery has been effected from the applicant in the present crime, and having regard to the circumstances that the applicant has been in custody since 15/03/2025, this Court is of the view that further custodial interrogation is not warranted. The applicant can be released on bail with appropriate conditions to secure his presence during trial and to ensure that he does not tamper with prosecution evidence.

8. 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.40/2025, dated 16/02/2025, registered with Sonai Police Station, Taluka Newasa, District Ahmednagar,, for the offences punishable under sections 309 (6), 3(5), 311 and 33 of Bharatiya Nyaya Sanhita, and under Section 4 an 25 of Arms Act, on furnishing PR bond of Rs.25,000/- 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.

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.

9. 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.

10. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.