



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

924 BAIL APPLICATION NO. 1424 OF 2025

Patalsingh Dilipsing Shikalikar Alias Sikaligar

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Kaware Akash Rajesh
APP for Respondents-State: Ms. Vaishali N. Patli Jadhav

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 08, 2025.

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant seeks bail in connection with FIR No. 586/2025, dated 25/06/2025, registered with Ahilyanagar Police Station, District Ahilyanagar, for the offences punishable under Sections 310(4) and 310(5) of the *Bharatiya Nyaya Sanhita, 2023*.
3. The prosecution case, in brief, is that on 25/06/2025, at about 3.25 a.m., the present applicant/accused, along with four other accused persons, allegedly armed with deadly weapons, were preparing to commit dacoity. Acting on specific information, the police intercepted the group. Three accused, including the applicant, were apprehended, while two others allegedly fled from the spot taking advantage of darkness. The applicant was arrested on the same day and is in custody since then.
4. Learned counsel for the applicant submits that the applicant, along

with two others, were travelling towards Shirdi. There were no additional persons accompanying, and hence, the requirement of five or more persons for the offence of dacoity is not satisfied. It is submitted that from the possession of co-accused No.1, the police recovered three screwdrivers, one iron bar (*katawani*), two small batteries, one wrench, and six scissors.

5. It is further submitted that co-accused No.1 is a mechanical painter and mechanic by profession, and the articles found in his possession are tools of his trade. As regards the applicant, learned counsel points out that there was only one antecedent about four years ago when the applicant was a juvenile. The prosecution has failed to trace or even identify the alleged two other persons who supposedly fled from the spot, despite 1½ months of investigation. According to the defence, the provisions relating to dacoity have been invoked merely to exaggerate the case.

6. Per contra, the learned APP submits that the seized articles, particularly the *katawani*, can be used for breaking locks and are therefore indicative of preparation for dacoity. The learned APP also points out that the applicant has one prior criminal antecedent from four years ago.

7. Having considered the submissions, this Court finds that *prima facie* the prosecution has not established that the accused were five or more in number, which is an essential ingredient of the offence of dacoity. Even

after 1½ months of investigation, the names of the alleged two absconding accused have not been ascertained. Further, the articles seized are not, in the ordinary course, exclusively used for committing dacoity. The investigation is still in progress, and the continued detention of the applicant is not warranted.

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. 0586/2025, dated 25/06/2025, registered at Ahilyanagar Police Station, District Ahilyanagar, on furnishing a PR bond of Rs.30,000/- with one or two local sureties in the like amount, to the satisfaction of the trial Court.
- b] Upon release on bail, the applicant shall not, in any manner, contact the informant during the pendency of the trial.
- c] The applicant shall co-operate with the trial Court and attend each and every hearing, unless specifically exempted by the Court.
- d] The applicant shall not tamper with prosecution evidence, nor shall he attempt to influence the informant, witnesses, or any other person connected with the case.
- e] The applicant shall provide his contact number and residential address to the trial Court at the time of release and shall update the same in case of any change.

9. Needless to state, in case of breach of any of the above conditions,

the bail granted to the applicant shall be liable to be cancelled. It is clarified that the observations in this order are only for deciding this bail application, and the trial Court shall proceed on its own merits without being influenced by these observations.

10. The application stands disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.