



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

44 BAIL APPLICATION NO. 1437 OF 2025

GANESH VARJA @ VARJU BHOSALE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ingle Kachru Ananda

APP for Respondent/State: Mr. N. B. Patil

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 11.08.2025

P.C. :

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 on 25.01.2025 in connection with Crime No.221/2024, registered with Shirur Kasar Police Station, Taluka Shirur Kasar, District Beed, for the offences punishable under Sections 310(2), 115(2), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3] The case against the applicant and other co-accused as is stated in the FIR is that 5 to 6 unknown persons entered the house wearing mask on their faces with knives in their hands and after threatening the wife of informant, snatched the gold ornaments and also stole Rs.3000/-.

4] The learned counsel for the applicant submits that the applicant is arrested in connection with some other offence and the recovery is made in that offence.

It is stated that the applicant has made a statement to the police that he is involved in the present crime and, as such, he is booked in the present crime.

The learned counsel for the applicant further submits that as regards the present crime is concerned there is no recovery made from the applicant. The gold ornaments recovered are not identified by the informant or any of the family members that the ornament/s belong to them. He also submits that the gold ornaments recovered at the instance of the other co-accused have not been identified as belonging to be of the informant or the family members. He submits that there is no T.I. parade conducted; as the faces of the persons, who entered into the house of the informant were covered. That, the applicant is not involved in the present crime and that the an attempt is made to cover one more case against the applicant.

5] The learned APP submits that the applicant has made statement that he is involved in the present crime recovery is made in terms of the money and gold ornaments.

6] The learned APP is not able to points out that the informant and family members have identified any of

the articles as belonging to them recovered at the instance of the applicant or the co-accused, so also, there is no TI parade.

Prima facie, involvement of the applicant is not established in the present case.

However, the learned APP submits that the applicant is not having Aadhar Card and that he would not be available for trial and he has no fixed place of residence. As such, trial may get vitiated. The learned APP points out that there are 2 antecedents against the applicant.

7] Considering that the applicant's connection with the present crime is not established, it would not be appropriate to detain the applicant in further custody. It is not known, when the trial would conclude. As such, further detention of the applicant in the present case is unwarranted, case is made out for grant of bail.

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 Crime No.221/2024, registered with Shirur Kasar Police Station, Taluka Shirur Kasar, District Beed, for the offences punishable under Sections 310(2), 115(2), 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR

bond of Rs.20,000/- 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.

10] 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.

11] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

marathe