



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

BAIL APPLICATION NO. 2055 OF 2024

Deepak S/o Shivaji Shinde
Age: 35 years, Occu.: Labourer,
R/o. Abadimandi, Daulatabad,
Dist.Aurangabad.Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Pundalik Nagar Police Station,
Tq. & Dist.Aurangabad.Respondent

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Advocate for Applicant : Mr. Vijay Shivaji Wakale
APP for Respondent : Mr.PK.Lakhotiya
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 20 JANUARY, 2025

ORDER :

1. This is a regular bail application on account of arrest of applicant in Crime no.0249 of 2024 registered at Pundlik Nagar Police Station, Chhatrapati Sambhajinagar (Aurangabad) for offence under Sections 331(4), 305(a) and 3(5) of the Bharatiya Nyaya Sanshita.

2. It is pointed out that applicant is arrested in above crime on 06-07-2024. That FIR is apparently against unknown persons. That, no T.I.

parade has been conducted yet applicant is arrested by Local Crime Branch on some alleged secret information. Learned counsel submits that now investigation has progressed extensively and even chargesheet has been filed. That, whatever was to be recovered and discovered is already done and nothing more is to be recovered from him. That, there are no immediate prospects of matter going for trial and as applicant is behind bars since more than six months, relief of regular bail is urged for.

3. Learned APP opposed application on the ground that there is recovery of T.V. at the instance of applicant. That, applicant has been identified and thereafter arrested and chargesheeted. That, there is ample incriminating material against him and for above reasons, learned APP opposes the application.

4. Heard. Perused the papers. It emerges that on 02-07-2024, crime has been registered on report of one Ashok Tulshiram Shinde, who lodged report that his nephew Amit Shinde had locked his house and went on pilgrimage with his family. That, while going, keys of the house were kept with Nitin Pawar, his friend. That, as sister of Amit Shinde used to visit Amit's house on Government holidays, She came and collected keys from said Nitin Pawar at 06:00 p.m. on 29-06-2024 and stayed in the house till 08:00 p.m. on 30-06-2024 and again handed over keys to said Nitin Pawar.

On 02-07-2024, it was revealed that there was incidence of house breaking, hence report was lodged for above offence against unknown thieves. Thus, apparently, applicant is not named in the FIR dated 02-07-2024. That, applicant is said to be arrested after four days of the FIR i.e. on 06-07-2024. That, investigation is said to be over and chargesheet is also filed. That, virtually nothing further is shown to be recovered or discovered from the applicant. Therefore, taking the nature of allegations into consideration and that, there are no immediate prospects of matter going for trial, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Deepak S/o Shivaji Shinde be released on bail in connection with Crime no.0249 of 2024 registered with Pundlik Nagar Police Station, Chhatrapati Sambhajnagar (Aurangabad) on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE