



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

BAIL APPLICATION NO. 2191 OF 2024

Shahrukh @ Sharya S/o Amrya @ Abrasha Pawar
Age: 21 years, Occu.: Labour,
R/o. At Post Takli Ambad,
Tq.Paithan, Dist.Ch.Sambhaji Nagar.Applicant

Versus

State of MaharashtraRespondent

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Advocate for Applicant : Mr. Sunil B. Surse
APP for Respondent : Mr.C.V.Bhadane

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CORAM : ABHAY S. WAGHWASE, J.

**RESERVED ON : 12 MARCH, 2025
PRONOUNCED ON : 13 MARCH, 2025**

ORDER :

1. Present application is for grant of bail in crime no.0211 of 2022 registered at Pachod Police Station, Dist.Aurangabad, for offence under Sections 395, 397, 120B read with 34 of the Indian Penal Code.

2. Learned counsel submitted that applicant is arrested in above crime on 01-08-2022 regarding occurrence, which is of 22-06-2022. He pointed out that apparently FIR is against unknown persons.

That, identification is after one month after arrest. Learned counsel submitted that here there is violation of Article 22(1) of the Constitution of India. That, there is illegal arrest and detention and thirdly, there is inordinate delay in trial. In support of above submissions, learned counsel has placed on record judgment of the Hon'ble Apex Court in the case of *Prem Prakash v. Union of India through The Directorate of Enforcement* passed on 28-08-2024. He lastly submitted that now investigation is over and chargesheet is already filed in October, 2022 itself but trial has not yet commenced and as such it amounts to long pretrial incarceration.

3. Learned APP while opposing application pointed out that applicant is identified in T.I. parade. That, there is recovery of cash as well as one Tola gold from him. There are antecedents. However, learned APP fairly conceded, on Court query, that matter is awaiting Muddemal.

4. Heard. Perused the papers. FIR is at the instance of one Ravindra Bhaskarrao Kulkarni reporting that on 22-06-2022 he and his family members had been for pilgrimage. While returning from

Tuljapur, when he had halted his vehicle near a Petrol Pump in the vicinity of Aadgaon Jawale, Tq.Paithan at 12:30 in the night, suddenly 7-8 persons came from nowhere and demanded money. When it was refused, it is alleged that he was dragged out of the vehicle, beaten by means of grip/handle of sickle and he was also robbed of his mobile. He claims that when he went towards his vehicle, he noticed that his father was also injured and his father was also robbed of Rs.7,000/-, his mother was also beaten and Mangalsutra worth Rs.20,000/- was snatched from her and his wife was also beaten and one Samsung Mobile phone was snatched from her alongwith ornaments and hence, he lodged report against unknown thieves.

5. Applicant said to be arrested on 01-08-2022. T.I. parade seems to be conducted on 02-09-2022 i.e. almost after one month of arrest. Now investigation is over and chargesheet is shown to be filed in October, 2022 itself. As stated above, when Court query was raised as to what is stage of trial, it is pointed out that matter is still waiting for Muddemal. Therefore, there is force in the submission that inspite of being chargesheeted almost two and half years back, trial has not yet commenced. Therefore, taking above material into

consideration, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Shahrukh @ Sharya S/o Amrya @ Abrasha Pawar be released on bail in connection with Crime no.0211 of 2022 registered with Pachod Police Station, Dist.Aurangabad on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave the jurisdiction of Pachod Police Station, till conclusion of trial, except for attending the dates in Court.
- (v) Applicant shall report the concerned Police Station thrice a week i.e. every Monday, Wednesday and Friday till commencement of trial and thereafter, attend the Court dates regularly.

(ABHAY S. WAGHWASE)
JUDGE