



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

**BAIL APPLICATION NO. 2212 OF 2024**

Sk. Khadir S/o. Sk. Makdumsab  
Age: 50 years, Occu.: Agriculture & Business,  
R/o. Iqbal Nagar, Dhanegaon,  
Tq. & Dist.Nanded.

....Applicant  
(Orig. Accused)

**Versus**

The State of Maharashtra  
Through Kandhar Police Station,  
Tq.Kandhar, Dist.Nanded.

.....Respondent

.....  
Advocate for Applicant : Mr. Anil M. Gaikwad  
APP for Respondent : Mr.C.VBhadane  
.....

**CORAM : ABHAY S. WAGHWASE, J.**

**DATE : 10 JANUARY, 2025**

**ORDER :**

1. Instant application is for grant of regular bail in consequence to arrest of applicant in Crime no.0186 of 2024 registered at Kandhar Police Station, District Nanded for offence under Sections 395, 398, 120B of the Indian Penal Code (IPC).

2. Pointing out that, applicant is arrested in above crime on 25-06-2024, learned Counsel submitted that such arrest is on an FIR,

which is dated 15-06-2024. Learned Counsel pointed out that FIR is against 5-6 unknown persons for commission of above offence. He pointed out that informant and his wife claims that 5-6 persons entered their house in the intervening night of 14-06-2024 and 15-06-2024 and robbed them of their valuables. It is further submitted out that alleged persons were said to be masked. That faces of none of them were noticeable or visible. That no T.I.parade has been conducted till date. Learned Counsel submitted out that, yet on arrest of one accused, CCTV footages are confronted to him and at his instance, names of other accused are included in the crime by the Police machinery. It is further submitted that it is also alleged that one of the accused had met with an accident and he was found to be in possession of some ornaments and thereafter, present applicant is also arrested alleging that he was driver of the vehicle, which was allegedly used for initial survey of the house of informant i.e. six days back.

3. Learned Counsel submitted that thus apparently applicant's arrest is on suspicion. That there is said to be recovery of Rs.2,50,000/- from applicant, but according to learned Counsel, few days prior to the arrest, applicant has received cash on account of entering into transaction of agreement to sell of land and documents to that extent are also available. Thus, according to learned Counsel, there is apparently false implication. He pointed out that even informant and his wife have kept on changing their versions about actual quantity of ornaments and cash of which they

were robbed of. Learned Counsel further submits that applicant is behind bars since June 2024. Now investigation is over and as applicant is ready to abide any conditions imposed by this Court, learned Counsel prays for relief of regular bail.

4. Learned APP, who opposed the application, pointed out that applicant is arrested on the basis of identification done on CCTV footages. That there is incriminating electronic evidence. Moreover, there is recovery of part booty from accused persons including present applicant and for above reasons, learned APP opposes relief of bail.

5. Heard. Perused the papers including FIR. It seems that chargesheet is already filed against 11 persons on the charge of commission of offence under Sections 395, 398, 120B of the IPC. FIR seems to be at the instance of one Gajanan Shrihari Yerawar and the substance of his FIR is that on 14-06-2024, when he and his family went to sleep, initially one person, who had covered his face, entered the house and hit him near eye and lower limb and demanded keys of the cupboard. Said person then called one Arbaj and they were conversing both in Hindi and Marathi. He then reported that later on, 3-4 persons joined them and took away cash and ornaments from cupboard i.e. approximately 405 gm. gold, silver and cash worth Rs.41,35,000/- and that such 5-6 persons were in the age group of 25-30 years and they had all covered their faces with mask. On above

allegations report was lodged.

6. Chargesheet shows that present applicant came to be arrested on 25-06-2024 i.e. in above FIR dated 15-06-2024. Submission made by learned Counsel that said thieves were covering their faces by mask has not been refuted by prosecution. Further submission that no distinct T.I. parade has been conducted is also not denied by learned APP. Prosecution claims that there is recovery at the instance of arrested accused, and as regards to present applicant is concerned, cash of Rs.2,50,000/- is said to be recovered, however, learned Counsel made a statement across the bar that though cash was recovered, it was towards transaction of agreement to sell of land carried out few days back and the amount was towards said transaction and it was not cash allegedly robbed from informant's house. Consequently, it is emerging that in FIR dated 15-06-2024 regarding occurrence of night of 14-06-2024, applicant is arrested on 25-06-2024 i.e. after 10 days. As stated above, there is no T.I. parade. Identification of masked persons in CCTV footages is said to be got done from co-accused. Therefore, taking such material into consideration and as applicant is behind bars since more than six months, and when it is not shown that there are immediate prospects of matter going to trial and more particularly, when nothing is shown to be recovered or discovered from applicant, relief as prayed deserves to be granted. Hence, the following order :

**ORDER**

- (i) Application is allowed.
- (ii) Applicant Sk. Khadir S/o. Sk. Makdumsab be released on bail in connection with Crime no.0186 of 2024 registered with Kandhar Police Station, District Nanded on executing Personal Bond of **Rs.25,000/-** with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Parties to act on authenticated copy of the present order.

**( ABHAY S. WAGHWASE )**  
**JUDGE**