



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2338 OF 2024

Subhodhsing @ Abhishek S/o Ishwariprasad Sinha,
Age : 29 years, Occ: Business,
R/o. Sakil-Chistipur Thana,
Chandi, Dist. Nalanda,
State of Bihar.

... Applicant

Versus

The State of Maharashtra,
Through the Police Officer,
MIDC Police Station,
Latur, Tq. & Dist. Latur.

... Respondent

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Mr. P. P. More, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Date : 03.02.2025

ORDER :

1. Applicant seeks enlargement on bail on account of his arrest in crime no. 730 of 2023 registered at M.I.D.C. Latur Police Station, District Latur for offence under Sections 399, 402, 120-B, 420, 468 of IPC and Sections 3(1), 25, 7(A)/25 of the Arms Act.

2. Pointing to the date of arrest as 11.11.2023, learned counsel submitted that FIR is of 28.09.2023. He pointed out that there are allegations that five persons gathered with intention to commit

dacoity on 28.09.2023. That, informant police official claims that raid was said to be conducted on secret information and on night of 28.09.2023, it is alleged that, five persons on two motorcycles were found to be discussing and when inquiry was made, it is alleged that, three amongst them fled after throwing a bag and two were arrested. Learned counsel pointed out that present applicant was not amongst the said persons. That, on statement of co-accused, at later point of time, applicant has been arrested and is behind bars since more than one year. He further pointed out that applicant got transferred from judicial custody of Patna Court where he was arrested in another case and is now shown to be involved in present crime. Learned counsel further pointed out that only allegation against present applicant is that he induced others to indulge in offences and allegedly gave money. That, except such vague and general allegations, there is nothing against him. Investigation is over but nothing incriminating has been found against present applicant and hence, learned counsel seeks relief of bail in present crime.

3. Learned APP opposed on the ground that serious offence was attempted. That, five persons had gathered to commit dacoity and on receipt of information to that extent, raid was conducted. Some managed to flee and two were arrested and they were found to be in

possession of arms. That, such arrested accused named present applicant and that investigation also revealed that present applicant was controlling the activities from prison in Bihar. For above reasons, learned APP opposes.

4. After considering the submissions and on going through the FIR dated 28.09.2023 lodged by Police Head Constable, Local Crime Branch Latur, it is emerging that on receipt of information from regular informer, raid was conducted over Latur - Murud road and five persons were found to have gathered. When they were tried to be apprehended, two were successfully caught and three of them managed to flee and were therefore chased. The bags which were thrown were searched and found to contain pistol, jammer, live cartridges etc. The two apprehended persons gave their names as Vikas and Amitkumar, residents of districts Nalanda and Patna respectively.

5. Learned APP does not dispute that name of present applicant has cropped up from custodial interrogation of arrested accused. He also does not dispute that present applicant was sought transferred from Bihar jail where he was said to be in custody since January 2018. Only point raised by learned APP is that investigation revealed

that there were telephonic conversation between apprehended accused and present applicant and there was some payment from present applicant's side. However, admittedly, applicant was sought transferred from Bihar jail and made accused herein. Taking such material into consideration and the date of arrest as November 2023 and further taking into account that no immediate prospects are shown of matter going for trial, applicant succeeds. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicant Subhodhsing @ Abhishek S/o Ishwariprasad Sinha, be released on bail in connection with Crime No. 730 of 2023 registered at M.I.D.C. Latur Police Station, District Latur, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount.

[ABHAY S. WAGHWASE, J.]

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