



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

BAIL APPLICATION NO. 2395 OF 2024

Omkar S/o Sheshrao Mudiraj
Age: 23 years, Occu.: Education,
R/o. Sakhoji Nagar, Near Maroti Mandir,
Taroda (Bk.), Dist.Nanded.Applicant

Versus

State of Maharashtra
Through Police Inspector,
Osman Nagar Police Station,
Tq.Kandhar, Dist.Nanded.Respondent

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Advocate for Applicant : Mr. Bhimrao Ganpat Lathe
APP for Respondent : Mr.C.V. Bhadane
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 15 JANUARY, 2025

PRONOUNCED ON : 17 JANUARY, 2025

ORDER :

1. Applicant seeks his enlargement on regular bail as a result of his arrest in Crime no.0194 of 2024 registered at Osman Nagar Police Station, Dist.Nanded for offence under Sections 310(4), 310(5) of the Bharatiya Nyaya Sanhita and under Section 3, 4 and 25 of the Arms Act.

2. Pleading innocence and false implication, learned counsel for the applicant pointed out that applicant is arrested on 27-10-2024.

That there are allegations of making preparation for committing dacoity. That there are allegations that 5-6 persons were found to have assembled. That some were said to be armed with sword. That only two persons are arrested including present applicant. That there is no criminal antecedents. That arrest is on suspicion and applicant is behind bars for more than two months and as nothing is to be recovered, learned counsel prays for grant of regular bail.

3. Learned APP submitted that applicant was arrested on the spot. That six persons were together armed with tools, implements and deadly weapons. That they had assembled to commit dacoity and on satisfaction, they were rounded up and arrested. According to learned APP, investigation is still not complete. On above grounds, bail is opposed.

4. After considering the above submissions and on going through the papers, more particularly FIR, which is at the instance of Police Officer, it is reported that while on patrolling duty on the road going from Kallambar Khurd to Barul, 5-6 persons were concealing and hiding themselves getting armed with weapons. Seeing Police, they fled and two were arrested i.e. present applicant and one Pradeepsing and from them, names of other accused are revealed.

On above report, crime has been registered and applicant is arrested on 27-10-2024 itself. Applicant claims to be a sportsman and he has annexed certificates of his achievements.

Learned APP has submitted that recovery is already caused.

5. There is no explanation from learned APP as to for what purpose custody of applicant is required. Therefore, though investigation is incomplete, taking into consideration the nature of accusations and above discussion, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Omkar S/o Sheshrao Mudiraj be released on bail in connection with Crime no.0194 of 2024 registered with Osman Nagar Police Station, Dist.Nanded 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