



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2343 OF 2024

Mahesh Kashinath Kale
Age: 26 years, Occu.: Labourer,
R/o. Jamgaon, Tal.Gangapur,
Dist.Ch. Sambhajinagar.Applicant

Versus

The State of Maharashtra
Through In charge Police Station Officer,
Police Station Gangapur, Tq.Gangapur,
Dist.Chh. Sambhajinagar.Respondent

.....
Advocate for Applicant : Mr.Vinayak P Narwade
APP for Respondent : Mr.S.B.Narwade

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 30 JANUARY, 2025

ORDER :

1. Present application is for grant of regular bail on account of arrest of applicant in crime no.0329 of 2023 for offence under Sections 436, 461 and 380 read with 34 of the Indian Penal Code (IPC.

2. Pointing to the date of arrest as 16-10-2023, learned counsel for the applicant submitted that there is FIR by one Nagnath Maruti

Dharankar. It is alleged in the FIR that wine shop was torched and cash was looted. He pointed out that apparently FIR is against unknown thieves. However, in FIR dated 13-07-2023, applicant is arrested on above date. That, now since almost fifteen months have lapsed. That, nothing is to be recovered or discovered and as the applicant is ready to abide by all and any conditions imposed by this Court, relief of bail is prayed for.

3. Learned APP opposed the application on the ground that wine shop has been said to be set on fire and report to that extent has been received. According to learned APP, investigation revealed applicant's involvement. For above reasons, he seeks rejection of application.

4. After considering submissions of both sides and on going through the FIR dated 13-07-2023, admittedly it is against unknown thieves for setting wine shop to fire and breaking the wine shop and taking away cartons of liquor and cash from the cash counter. Applicant is shown to be arrested on 16-10-2023 i.e. after three months. Taking the same into consideration and when learned APP has not pointed out what is yet to be recovered or discovered from

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

ORDER

- (i) Application is allowed.
- (ii) Applicant Mahesh Kashinath Kale be released on bail in connection with Crime no.0329 of 2023 registered with Gangapur Police Station, District Aurangabad, on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not enter in the vicinity of Jamgaon, Tq.Gangapur, District Aurangabad, till conclusion of trial.
- (iv) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE