

**In the Court of Additional Sessions Judge, Vaijapur,
Dist – Aurangabad.
(Presided over by D. M. Aher)**

**Criminal Bail Application No.339/2022
(Rahul Vs. State)
(MHAU040014612022)**

Order below Exh. 01

The applicants/accused Rahul Ramesh Dabhade has prayed for *regular bail* vide Section 439 of Cr.P.C. in connection with crime No. 301/2022 registered at Waluj Police Station, Tq. Gangapur, under Sec. 398 and 427 of IPC and sec. 3/25 Indian Arms Act and sec. 135 of the Bombay Police Act. I have read the grounds mentioned in the application.

2. The I.O. and the Ld. APP opposed the application vide common say Exh.05.

3. The prosecution case is as follows. Informant Laxman Adhe is serving as Security Guard at Badwe Tokms Pvt. Ltd. Company, Waluj, Aurangabad. In the night intervening of 25 and 26.09.2022, at about 1.45 a.m., 7 to 8 unknown daciots armed with long knife and rope entered in the company. The daciots had covered their faces by handkerchief. The daciots mounted attack on informant Ade and other security guard. They caught hold informant Ade and tide his hands and legs. They also caught hold another security guard Mr. Pardhe and tide his hands and legs. Daciots snatched mobiles from informant Ade and Mr. Pardhe. Due to shouts, daciots ran away.

Thereafter, informant Mr. Ade lodged the report. The crime is registered.

4. The police arrested the applicant/accused on 03.10.2022. Presently, he is in judicial custody.

5. Learned advocate Mr. I. N. Shaikh for the applicant /accused submits that the applicant/accused has been arrested on suspicion. He submits that nothing is seized or recovered from applicant/accused. He submits that the witness has not identified the applicant/accused in test identification parade. He submits that the applicant/accused may be released on bail. Hence, he prayed to allow the application.

6. On the other hand, Ld. A.P.P Shri B. M. Meher submits that offence is serious. The investigation is in progress. He submits that if the applicant/accused is released on bail, the investigation will be hampered and there will be threat to the prosecution witnesses. Hence, he prayed to reject the application.

7. I have perused the papers. No doubt the offence is serious. However, it is clear that the FIR is against unknown persons. The dacoits had covered their faces. In the test identification parade, the applicant/accused has not been identified by the witness Mr. Warule. Apart from this, nothing incriminating is seized or recovered from the applicant/accused. Considering this, the applicant/accused can be released on bail. Hence, the order.

8. The Cri. Bail Application No. 339/2022 is allowed. The applicant/accused Rahul Ramesh Dabhade be released on *bail* in connection with crime No. 301/2022 registered at Waluj Police Station, Tq. Gangapur, under Sec. 398 and 427 of the IPC and sec. 3/25 Indian Arms Act and sec. 135 of the Bombay Police Act, on his furnishing P.R. Bond of Rs. 50,000/- and surety in the like amount on the condition that he shall attend Waluj Police Station on each Monday in between 11.00 a.m. to 02.00 p.m. once in a week until filing of charge-sheet or 03.01.2023, whichever is earlier. The bail bonds be furnished to remand/committal court.

Date : 02.11.2022

(D. M. Aher)
Additional Sessions Judge,
Vaijapur.

CERTIFICATE

I am affirm that the contents of this PDF file order are same, word to word, as per the original order.

Name of the Stenographer	: A. D. Mulay.
Court	: Shri.D. M. Aher, Additional Sessions Judge, Vaijapur.
Date of the order	: 02.11.2022
Order signed by the presiding officer on	: 02.11.2022
Order uploaded on	: 02.11.2022