

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

Criminal Application No.32 of 2015

Nidansing Jalamsing Shiklikar. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondent.**

Shri. Amit S. Savale, Advocate, for applicant.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 19th JANUARY 2015

ORDER:

1) The application is filed for relief of bail. Both the sides are heard. This Court has perused papers of investigation.

2) Crime is registered on the basis of report given by one Pradip Tak. In one incident which took place few days prior to the incident in question the applicant had some quarrel with son of one Sardar Tarabai. It is contended that in the incident dated 22-11-2014 after 8.30

p.m. said son of Sardar Tarabai and his associates came to the applicant and they picked up quarrel with the complainant. It is contended that he questioned as to how complainant had quarreled with his man. It is contended that when the complainant was returning to his house he was informed that his brother Rahul was also assaulted by the applicant and his associates. The complainant went towards Bus stand. It is contended that at the Bus Stand present applicant again quarreled and he assaulted the brother of the complainant and snatched gold chain weighing around 15 grams and took away cash amount of Rs.3000/-. It is contended that his associates were there. The incident was witnessed by many persons.

3) The learned Additional Public Prosecutor submits that gold chain has been recovered on the basis of statement given by the applicant under section 27 of the Evidence Act. Learned Additional Public Prosecutor submits that the applicant was involved in two more crimes in the past like Crime No.81/2007 registered for offence under sections 395, 147, 149 etc. of the IPC and Crime No.77/2011 registered for offence under section

394 IPC. Learned counsel for the applicant has referred to the copy of summary showing that the applicant is acquitted in Crime No.81/2007.

4) In view of nature of dispute and the material available and also the fact that the applicant is behind the bars since 23-11-2014, this Court holds that bail needs to be granted. It is not certain as to how much time will be required for disposal of the case.

5) In the result, the application is allowed. The applicant is to be released on bail in Crime No.105/2014 registered in Akkalkuwa Police Station, District Nandurbar, for offences punishable under sections 395, 323, 504, 506 of the Indian Penal Code on his furnishing PR and SB of Rs.30,000/- (rupees thirty thousand) with one solvent surety in the like amount. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offence.

Sd/-
(T.V. NALAWADE, J.)