

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 286 OF 2015

Satyawan s/o. Baburao Pagare

....Applicant.

Versus

The State of Maharashtra & Anr.

....Respondents.

Mr. S.A. Gaikwad, Advocate for applicant.

Mrs. B.B. Gunjal, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 13th February, 2015.

ORDER :

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

2. The crime is registered on the basis of report given by one Deepak Pujari. The incident in question took place on 21.6.2014. On that day, the complainant and his brother were carrying cash amount of Rs. 52 lakh in their car. Allegations are made that their car was intercepted by giving some excuse by two boys who were on motorcycle. Under some pretext, they picked up quarrel with the driver of the complainant and within some time, three more persons came on another motorcycle and they started quarreling with complainant and driver. They had the intention to divert the attention of the complainant and his

driver from the bag containing cash which was kept below backside seat of the car. When the quarrel started one of the boy removed the bag. Somehow contact was made to police on phone and then these boys realized that police vehicle was coming and remaining boys ran away. The submissions made show that the cash amount of Rs. 52 lakh has been recovered from the other accused. There is material to make out strong prima facie case against the applicant for the offence punishable under section 395 of I.P.C.

3. The applicant has been behind bars since 21.6.2014. He can be arrested as one of the boys who was taken in custody on spot itself. As it appears that it was the first offence of this nature, the learned APP was directed to see that the Investigating Officer makes inquiry to ascertain that there is no possibility of abscondance. Some record in that regard was produced and it is verified. The learned APP submitted that in the past, one case for offence punishable under sections 363, 366-A of I.P.C. wasca483 filed against applicant and two others. Today, the learned counsel for the applicant produced a copy of judgment delivered by Sessions Court Aurangabad in Sessions Case No. 25/2010. The applicant is acquitted in that case. Thus, there is no other case of similar nature against the applicant. It

is likely to take much time for disposal of the case. In view of these circumstances, this Court holds that bail can be granted to the applicant.

4. In the result, the application is allowed. Applicant is to be released on bail on his furnishing PR and SB of Rs. 50,000/- (Rupees fifty thousand) with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

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