

**FARAD CONTINUATION SHEET NO.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD.**  
**APPELLATE SIDE JURISDICTION**

|                                                        |                                          |                                          |
|--------------------------------------------------------|------------------------------------------|------------------------------------------|
| Office Memoranda of appearance, directions and orders. | Notes, of Court's orders and Registrar's | Office Coram, Court's or Judge's orders. |
|--------------------------------------------------------|------------------------------------------|------------------------------------------|

CRIMINAL APPLICATION NO. 307 OF 2015

RAJESH @ GAMTIDAS S/O VYANKATI KALE  
 VERSUS  
 STATE OF MAHARASHTRA

...  
 Advocate for Applicant : Mr. Naik Dhananjay A.  
 APP for Respondent: Mr. N. B. Patil.

\*\*\*

**CORAM: T. V. NALAWADE, J.**  
**DATED: 20th FEBRUARY, 2015.**

**PER COURT:**

1. The application is filed for bail. Both the sides are heard. By way of precaution, this Court had asked learned A.P.P. as to whether the applicant had bad antecedents. Learned A.P.P. submits that no such record is there. This is second application for bail. The previous application was rejected by other Honourable Judge on 5th March, 2014 [Criminal Application No. 997 of 2014]. Present Applicant has been behind bars for more than 1 year and six months. So, this Court has again considered the present application.

2. The crime is registered for offence under section 395 of I.P.C. against the applicant and others. The incident in question took place on 21st July, 2006. There are allegations made by the complainant that some persons had approached him and had informed that there was a gold and the persons who were having gold were ready to sell it at rate lower than market rate. Due to this promise the complainant went with those persons. Promise was given that the present applicant Rajesh @ Gamtidas was having gold and he was ready to sell it at the rate of Rs.4.5 Lakh per Kg. Then the rate was settled at Rs.3 Lakh per Kg. Present Applicant then handed over some sample gold for checking. Thus, they decided to make the deal on 22nd July, 2007. On that day, the complainant went to the spot, which was pre-decided. Present applicant was already present with the box containing gold. Present applicant gave Rs.3.05 Lakh and then all of a sudden 35 to 40 persons came forward with weapons like sword, gupti, iron bars. Present applicant pointed knife at the complainant and one boy pointed Gupti and then present applicant asked the complainant to hand over the valuables and cash which were with the complainant. All of them took away

the cash and the valuables. The valuables include mobile hand set, wrist watch and aforesaid cash amount. Beating was also given.

3. It appears that the incident took place on 22nd July, 2006. Present applicant came to be arrested on 5th August, 2013. Thus, he was absconding for quite long time. In view of the material collected, it appears that he acting as a leader and most of the amount must have been given to him. Submissions made show that hardly amount of Rs.1.15 Lakh came to be recovered out of the aforesaid amount. Such offences are committed only for getting money and so relief of bail can be granted only if the accused are ready to return the benefits received by them. In view of the nature of material available against the Applicant, this Court holds that he needs to deposit the amount of Rs.1 Lakh. This amount needs to be deposited in the Court as the stolen property.

4. In the result, subject to such condition, bail is granted. The applicant be released on bail on his furnishing P.R. & S.B. of Rs.30,000/- with one solvent surety for the like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence. He is not to leave Beed district without prior

permission of the Sessions Court, Beed. The Sessions Court is expected to expedite the matter, preferably within six months from the date of receipt of this order.

5. Application is disposed of accordingly.

**[T. V. NALAWADE, J.]**

Dt.20/02/2015  
ans/307