

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

Criminal Application No.644 of 2015

Kishor s/o Kaluram Kale
And Another.

.. Applicants.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Rahul A. Tambe, Advocate, for applicants.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondent.

With

Criminal Application No.1062 of 2015

Sundip Anjan Pimpale.

.. Applicant.

Versus

The State of Maharashtra.

.. Respondent.

Shri. Ravindra J. Nirmal, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 3rd MARCH 2015

ORDER:

1) Both the applications are filed for bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by one Mahadeo Butale. Regular driver of the 18 wheel vehicle, trailer namely Bhagwan Arjuna Kadam had requested the complainant to work as *Badali* driver as Bhagwan was busy in some other work. As per instructions of Bhagwan the complainant took the trailer bearing No.MH-29-T-607 which was loaded with cement bags. The value of the cement bags was Rs.2,04,960/-. Address of one company was given where the goods were to be unloaded and it was from MIDC Waluj Aurangabad. First the complainant went to the address given by Bhagwan and there the watchman informed that the warehouse was at other place and he went to that place. He could not find the godown, warehouse of the company at that place also so he parked the vehicle there and he and the cleaner halted in the cabin of the vehicle. In the

night time the robbers came in a four wheeler vehicle, they assaulted the complainant and they tied their limbs and kept them in the cabin. The truck was then taken to other place. The robbers asked the complainant and the cleaner to get down from the vehicle. then they took the vehicle. After driving the vehicle for some distance the vehicle stopped as there was no fuel in the vehicle. The complainant and the cleaner somehow untied themselves and approached the police station. They took police with them to the spot where the vehicle was present. The robbers were still there and after seeing the police they started running. One Rajguru Kale came to be taken in custody after giving chase to him. The others ran away. Thereafter the applicants were traced and came to be arrested. The applicants are behind the bars since 29-9-2014.

3) Charge sheet came to be filed on 22-12-2014. Submissions made show that no test identification parade was held to give opportunity to the complainant or the cleaner to identify the applicants. As the goods were still there, nothing could be taken away and so there is no

question of recovery of stolen property from the applicant. The submissions made show that the applicants have no bad antecedents. By way of precaution this Court had asked the prosecution to verify the record filed by the applicants to ascertain that there is no possibility of abscondance. Learned APP, on oral instructions, submits that, such verification was done. It is not certain as to how much time will be required to dispose of the case.

4) In view of these circumstances the applications are allowed. The applicants are to be released on bail in Crime No.I-247/2014 registered in MIDC Waluj Police Station, District Aurangabad for offence punishable under section 395 of the Indian Penal Code on their furnishing PB and SB of Rs.30,000/- (Rupees thirty thousand) with one solvent surety in the like amount. The applicants are not to tamper with prosecution witnesses. They are not commit similar offences.

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

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