

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

CRIMINAL APPLICATION NO. 847 OF 2015

Arunkumar S/o Abraham Petla & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. Shaikh Ashpak Taher Patel,
Advocate for Applicants.

Mr. U.H. Bhogale, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 26th MARCH, 2015

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PER COURT :

1. By the present application, the applicants are seeking bail in connection with Crime No. 278/2014 registered with Waluj M.I.D.C. Police station, Dist. Aurangabad for the offences punishable u/s 399, 402 of the Indian Penal Code.

2. Heard Mr. Shaikh Ashpak Taher Patel, the learned Counsel for the applicants and Mr. U.H. Bhogale, the learned A.P.P. for the respondent – State.

3. Learned Counsel for the applicants submits that the present applicants are arrested in the present crime on 15/11/2014 and from the said date they are languishing in jail.

In the present case, the investigating agency has already completed investigation and charge sheet is filed in the Court.

4. Learned A.P.P. tried to impress upon the Court by making submission that the present applicants are having criminal antecedents and, therefore, present Criminal Application be rejected.

5. To counter the said submission, the learned counsel for the applicants submitted that after the arrest in the present crime, present applicants were shown as accused in Crime No. 271/2014 for the offence u/s 379 read with 34 of the Indian Penal Code, in Crime No. 196/2014 for the offence u/s 379 read with 34 of the Indian Penal Code registered with Kranti Chowk police station, Aurangabad and in Crime No. 115/2014 for the offence u/s 379 read with 34 of the Indian Penal Code registered with Jinsi police station, Aurangabad. Pertinent to note is that in all the three offences the applicants are shown to be arrested during the custody of the present applicants in Crime No. 278/2014. Learned counsel for the applicants has pointed out that in all the aforesaid three cases punishable u/s 379 of the Indian Penal Code, the applicants are already released on bail by the learned Magistrate.

6. Looking to the fact that the applicants are in jail since 15/11/2014, the investigation is already over, charge sheet is filed; their custodial presence will not subserve any purpose.

7. Hence, I pass the following order :

- (i) The present Criminal Application is allowed.
- (ii) Applicant Nos. 1 to 6 be released on bail in connection with Crime No. 278/2014 registered with Waluj M.I.D.C. Police station, Dist. Aurangabad for the offences punishable u/s 399, 402 of the Indian Penal Code on they executing P.R. Bond of Rs.10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount by each of them. The sureties of the applicants shall be the local sureties. Bail before the trial Court.
- (iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

