

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

CRIMINAL APPLICATION NO. 971 OF 2015

Bhaskar s/o Kadirvel Shervai

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

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Mr. Shaikh A.T.Patel, Advocate for Applicant.

Mr. M.M.Nerlikar, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 27th MARCH, 2015

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PER COURT :

1. Heard Mr. Shaikh A.T.Patel, learned counsel for the applicant and Mr. M.M.Nerlikar, learned A.P.P. for Respondent – State in extenso.

2. By the present application, the applicant is seeking his bail in connection with Crime No. 614/2014 registered with Kranti Chowk police station, Aurangabad, Dist. Aurangabad for the offence punishable u/s 397 read with 34

of the Indian Penal Code.

3. A report was lodged by one Manoj Talware on 31/12/2014 with Kranti Chowk police station, Aurangabad. By the said, it was reported to the police that the first informant is engaged in the construction business. On 31/12/2014 at 5.30 p.m. along with his friend Mr. Pagare came to meet him at Samsung galary situated at Kranti Chowk, Aurangabad and, therefore, to materialize the said visit, he proceeded from Chikalhana in his Innova car. The car was driven by his driver Arjun Jadhav. At Samsung galary situated at Kranti Chowk, Aurangabad he along with his driver alighted from the car and they were proceeding towards said galary. That time, 2 – 3 unknown persons came from behind and on the knife point they were accosted. The first informant was assaulted by fist blow and there they snatched the bag which the first informant was holding. The said bag was containing ASUS make Laptop worth Rs. 20,000/-, Blackberi make Mobile worth Rs. 40,000/-, one TB of Seagat make worth Rs. 5,000/-, one BSNL 3 G internet setter worth Rs. 1,000/-, Cheque book of Bank of Maharashtra, Cheque book of ICICI Bank, 2 Bonds and other articles.

4. After getting the information, the police swung into action immediately and on the very same day the applicant was apprehended at railway station, Aurangabad. However, the companions of the applicant were successful in running away from the spot. The applicant was brought to the police station, there he was arrested and when the search

was taken, all the articles of the first informant, as pointed out by him in F.I.R., were found to be in possession of the present applicant.

5. The present applicant is admittedly the resident of Tamil Nadu. The applicant has committed serious offence punishable u/s 397 of the Indian Penal Code. The accomplice of the present applicant are still at large and they being from other State, according to the learned A.P.P., presently their apprehension is not possible. Learned A.P.P. Submitted that after the present applicant is released on bail, then it will be very difficult to procure his presence from Tamil Nadu.

6. According to the learned counsel for the applicant, charge sheet is already filed and custodial presence of the applicant is not required. True it is, normally when the charge sheet is filed, custodial presence of accused is not required. However, looking to the fact that the present applicant is from Tamil Nadu and it will be very difficult to procure his presence at the time of trial, in the interest of justice, in stead of releasing him on bail, it will be beneficial to direct the trial Court to conduct the trial of the applicant as expeditiously as possible and within a period of one year from today. It is made clear that the learned trial Court can segregate his trial from the absconded accused.

7. Hence I pass following order .

(i) The trial Court is directed to start

and complete the trial of the present applicant within a period of one year from the receipt of this order. For that, the learned trial Court may choose to segregate the trial of the present applicant from rest of the accused.

(ii) With these observations, the present Criminal Application is dismissed.

[V.M.DESHPANDE, J.]