

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1236 OF 2015
[Adhar s/o Raghunath Badgujar Vs The State of Maharashtra]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri M.A.Tandale, advocate for applicant
Smt. V.A.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 27th March, 2015

PER COURT :-

- 1] Heard Shri M.A.Tandale, learned counsel for the applicant and Smt. V.A.Shinde, learned Additional Public Prosecutor for respondent/State and Shri M.M.Patil (Beedkar), learned counsel for the first informant in extenso.
- 2] By the present application, the applicant is seeking his release on bail in connection with Crime No. 25 of 2015, registered with Police Station Pachora, Tq.Pachora, District Jalgaon for the offences punishable under Sections 397, 364A, 386, 387, 342, 325, 329, 120((b) of the Indian Penal Code.
- 3] From the first information report, it is clear that the first informant Rajendra Kande has alleged that he received certain intimation about a plan from Hiranman Khairnar implicating the present applicant. On the said basis, the applicant was arrested. His police custody remand was sought. During the course of interrogation, a Maroti car is said to have been recovered.
- 4] I have gone through the recovery panchanama drawn by the police, from which it is clear that the said Waganor

car, which according to the prosecution is recovered at the instance of the present applicant, was standing near open space at tea tapari. Therefore, prima facie such recovery is not helpful to the prosecution in so far as present applicant is concerned.

5] Another submission made by the learned Additional Public Prosecutor and Shri Patil, learned counsel is that other two accused persons are absconding. If two persons are absconding, surely present applicant cannot be held responsible. It is the job of the investigating officer to apprehend the accused persons. The investigating officer has not filed any reply or affidavit before this court pointing out the steps taken for nabbing the absconding accused. For the fault of investigating officer, the applicant, who is languishing in jail and against whom entire investigation is over, cannot be allowed to remain in jail. Hence, I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant be released on bail, in connection with Crime No. 25 of 2015, registered with Police Station Pachora, Tq.Pachora, District Jalgaon for the offences punishable under Sections 397, 364A, 386, 387, 342, 325, 329, 120((b) of the Indian Penal Code on the applicant executing P.R. Bond in the sum of Rs.10,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall attend Pachora Police Station twice a week, preferably on every Thursday and Sunday in between 11.00 a.m. to 2.00 p.m.
- (iv) That the applicant shall not leave his ordinary place of residence without intimating the

investigating officer.

(v) The applicant shall not cause interference in the investigation.

(vi) The observations made in this order are prima facie in nature and are restricted to this application only and the learned Judge of the court below shall not get influenced himself by the said observations while deciding the matter on merits.

(iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1236.15