

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 1301 OF 2015**[Mahaveer @ Anna s/o Sadashiv Ingale 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 B.V.Thombare, advocate for applicant
Smt. P.J.Bharad , A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 27th March, 2015

PER COURT :-

1] This is an application for regular bail in connection with Crime No. 144 of 2014, registered with Bhada Police Station, Tal Ausa, District Latur, for the offence punishable under Section 395 of the Indian Penal Code.

2] I have heard learned counsel for the applicant and the learned Additional Public Prosecutor for the respondent/State.

3] The first information report is lodged by one Anand Nandimath, who is the Manager of one Atithi Bar on 4.11.1994 that in between night of 3rd November and 4th November that some unknown persons got their forceful entry in the Atithi Bar and they along with them took away various liquor bottles. According to the first information report, they left the place by one Bolero jeep bearing registration No. MH-16/AT-626.

4] Though charge sheet is not filed till today, from the investigation papers, which are made available to this court by the learned Additional Public Prosecutor, it appears that the investigation is on the verge of completion. The only material which could be said to be incriminating against the present applicant is, the recovery of Bolero jeep. The investigating officer has not done any investigation till today in respect of the ownership of the said vehicle.

5] Further, from the spot panchanama, it is clear that there was no source of light available on the spot. The occurrence has taken effect in the night between 3rd and 4th. When the first informant has specifically given the number of vehicle, in absence of any source of light, at least prima facie, it is unbelievable that in the night the first informant will be able to identify the registration number.

6] The entire case against the present applicant does not proceed further except on the suspicion. The suspicion however strong may not take place of proof is the cardinal principle of criminal jurisprudence. In that view of the matter, present applicant needs to be released on bail, however, with certain conditions, as prayed by the learned Additional Public Prosecutor. Hence following order.

O R D E R

- (i) Criminal Application is allowed.
- (ii) Applicant be released on bail, in connection with Crime No. 144 of 2014, registered with Bhada Police Station, Tal Ausa, District Latur, for the offence punishable under Section 395 of the Indian Penal Code on he executing P.R. Bond in the sum of Rs.10,000/- with two solvent sureties

in the like amount.

(iii) The applicant shall attend the police station Bhada thrice a week in between 9.00 a.m. To 12.00 noon on every Monday, Thursday and Sunday, till the charge sheet is filed.

(iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1301.15