

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

Criminal Application No.1895 of 2015

Govind s/o Yakub Chavvan. .. **Applicant.**

Versus

The State of Maharashtra. .. **Respondents.**

Shri. Kailas B. Jadhav, Advocate, for applicant.
Smt. R.K. Ladda, Additional Public Prosecutor, for
respondent.

CORAM: T.V. NALAWADE, J.

DATE : 8th JUNE 2015

ORDER:

- 1) The application is filed for bail. Both the sides are heard. This Court has perused the papers of investigation.
- 2) Previous application filed by present applicant was withdrawn when this Court expressed that the Court was not inclined to grant bail. In view of this circumstance, it was necessary for the applicant to show that there has been change in circumstances.
- 3) Charge-sheet is filed and the papers of investigation include the statements of witnesses like

complainant and other eye witnesses. The complainant has made allegation that one Sudam Shinde had promised him to sell agriculture land situated on Nagar - Manmad highway road. He went there with cash amount of rupees three lakh. Allegations are made that when he was present with his friend, Sudam Shinde and nephew of Sudam Shinde came there and they took away cash of Rs. three lakh. There were 7 to 8 associates of Sudam Shinde armed with sticks. Allegations are made that after taking the amount they driven away the complainant from the spot. Subsequently on the same day the complainant came there with police and after seeing police Sudam Shinde and his associates ran away.

4) Record shows that only present applicant came to be arrested. Statement under section 27 of the Evidence Act came to be recorded and the applicant gave name of one Bhiskitya Balandya Bhosle as person who was having custody of the stolen property. This accused could not be traced. Statements of the complainant and the eye witness like Sopan Thombre show that after the arrest of present applicant they identified the present applicant

before police and accordingly supplementary statement came to be recorded.

5) Learned counsel for the applicant submitted that T.I. Parade was not held and so the evidence collected against the applicant is not clinching in nature. Though there is such circumstance, the material collected by the investigating officer shows that the applicant is history sheeter and he was involved in more cases filed under section 392 of the Indian Penal Code and also under section 420 of the Indian Penal Code. There are more cases for offence punishable under section 324 of IPC pending against him. In view of this circumstance there is possibility of abscondance of present applicant. As charge sheet is filed the case itself can be expected.

6) In the result, the application is rejected. The trial Court is directed to expedite the case and in any case within 45 days from the date of receipt of the order. After 45 days liberty to the applicant to come to this Court again for bail.

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

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