

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

CRIMINAL APPLICATION NO. 2234 OF 2015

Akash @ Bruddichandra s/o
Kedarnath Sharma

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. J.V.Deshpande, Advocate for Applicant.

Mrs. S.G.Chincholkar, A.P.P. for Resp.– State.

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CORAM : V.M.DESHPANDE, J.

DATE : 10th JUNE, 2015

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PER COURT :

1. This is an application u/s 439 of the Code of Criminal Procedure since the applicant is arrested in connection with Crime No. 295/2014 registered with police station MIDC, Waluj, Dist. Aurangabad for the offences punishable u/s 406,420,465,468,471 of the Indian Penal Code.

2. Heard Mr. J.V.Deshpande, learned counsel for the applicant and Mrs. S.G.Chincholkar, learned A.P.P. for respondent – State.

3. Applicant is arrested on 07/12/2014 and since then he is in jail. The investigating agency has already completed the entire investigation and challan is presented before the Court of law. Further, there is no dispute that all other accused persons are already released on bail by the learned trial Court.

4. F.I.R. is lodged by Pawansing Parmatmasing, who is labour contractor. According to F.I.R., present applicant took Rs. 85,000/- and passport of his two brothers on keeping reliance on his statement that the present applicant will provide job in the middle-East. Ultimately, it was found that he is being duped and, therefore, F.I.R. is lodged.

5. From the charge sheet, it is clear that the offence is pertaining to the documents which are already in custody of the Investigating Officer and the copies are already filed on record along with charge sheet. The offences are triable by the learned Magistrate and the trial is not commenced. All the offences are triable by the Magistrate. Looking to the pendency of the matters before the learned Magistrate and looking to the fact that till today charge is not framed, further incarceration of the present applicant in jail is not warranted.

6. Hence, I pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Akash @ Bruddichandra s/o Kedarnath Sharma be released on bail on he executing P.R. Bond of Rs. 1,00,000/- [Rupees One Lac] with two solvent sureties of like amount in connection with Crime No. 295/2014 registered with police station MIDC, Waluj, Dist. Aurangabad for the offences punishable u/s 406,420,465,468,471 of the Indian Penal Code. Bail before the trial Court.

(iii) Present applicant shall attend police station MIDC, Waluj, Dist. Aurangabad once in a month preferably on every Sunday between 3.00 – 5.00 p.m. till the Charge is framed by the Court concerned.

(iv) Two consecutive absences to attend police station MIDC, Waluj, Dist. Aurangabad shall give the cause to the Police Station Officer to file the application for cancellation of bail.

(v) Applicant shall maintain diary to show that he has attended the police station.

(vi) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]