

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO 2662 OF 2015.

SHAIKH AMIN S/O SHAIKH AHMED.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Manoharrao A. Tandale, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 11th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail, in connection with CR No. I 188/2014 registered with Police Station, MIDC, CIDCO, Aurangabad, District – Aurangabad, for the offences punishable under Section/s. 395 of the Indian Penal Code.

[2] First Information Report is lodged by Vijay Motiram Chaudhary on 3rd October, 2014 to the effect, when he was proceeding towards Mall – Prozon, near API Corner, that time, his car was intercepted by another car. From the said car, 5 to 6 persons alighted and without talking with anybody, glass of his car was broken away and thereafter, he was assaulted and amongst said 5 to 6 persons, one person has snatched gold chain from him.

[3] Though the First Information Report was lodged against unknown persons, during the course of investigation, seven persons were arrested and it is reported that, except present applicant, all are released on bail by the Sessions Court.

[4] In so far as present applicant is concerned, the material which is pressed into service from the charge sheet by the the learned Additional Public Prosecutor is the statement of Digambar Subhash Jojare, who is Goldsmith and according to the prosecution, gold chain which was snatched away from the first informant was sold to this man and from this goldsmith said chain is seized.

[5] However, pertinent to note that after the seizure of the said chain from the goldsmith, the learned Additional Public Prosecutor has stated that no other identification panchnama of the said chain was done at the behest of the first informant. In that view of the matter and looking to the fact that, charge sheet is already filed, and other persons are already released on bail, presence of applicant in jail, is not warranted that leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - SHAIKH AMIN S/O SHAIKH AHMED shall be released on regular bail on he executing P.R. Bond of Rs. 35,000/- [Rs. Thirty Five Thousand.] with two solvent sureties in the like amount, in connection with CR No. I 188/2014 registered with Police Station, MIDC, CIDCO, Aurangabad, District – Aurangabad, for the offences punishable under Section/s. 395 of the Indian Penal Code.

- (iii) Bail before trial court.
- (iv) The applicant shall attend Police Station, MIDC, CIDCO, Aurangabad, District – Aurangabad once in a week, preferably on every Sunday and shall remain present in said Police Station between 10.00 to 11.00 a.m, till charge is framed.
- (v) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)