

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

CRIMINAL APPLICATION NO. 2709 OF 2015.

SAHEBRAO S/O DAMU AADE
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. S.S. Thombre, Advocate for the Applicant.

Mr. V.H. Dighe, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 16th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.30/13 registered with Police Station, Pimpalner, Taluka & District - Beed for the offences punishable under Section/s. 395, 341, 347, 506 read with 34 of the Indian Penal Code. [R.C.C. NO.229/2014 pending on the file of the learned Judicial Magistrate, First Class, Beed.]

[2] Heard Mr. S.S. Thombre, learned counsel for the Applicant and Mr. V.H. Dighe, learned Additional Public Prosecutor for the State

[3] Initially the complaint under Section 156(3) of the Code of Criminal Procedure was lodged by Vitthal Kashinath Garje against

Shahadeo Shankar Nakade, Baburao Mega Rathod, Bhimrao Narsa Bade @ Maharaj and Nisar Basid Shaikh @ Babubhai. The applicant was not shown as accused in the said complaint. According to the said complaint when the complainant was proceeding towards Majalgaon that time, the named accused and others intercepted him in one Bolero car bearing registration No.MH-23-Y-1777 and, thereafter named accused persons in the First Information Report gave fist and kick blows and snatched Rs.60,000/- from the complainant. Thus from the complaint itself, it is clear that no role either of beating or snatching away of the cash, was attributed to any of the unknown person as mentioned in First Information Report.

[4] The learned Additional Public Prosecutor submitted that only incriminating material collected during the course of investigation and in the charge sheet which is filed in the court of law is that present applicant is registered owner of said Bolero jeep. On the said, custody of present Applicant is not at all required especially when specific allegations in the complaint which is treated as First Information Report, is against the named persons in respect of beating and taking away valuable and cash from the first informant, that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, Applicant - SAHEBRAO S/O DAMU AADE shall be released on anticipatory bail on he executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen

Thousand.] with one solvent surety in the like amount, in connection with CR No.30/13 registered with Police Station, Pimpalner, Taluka & District - Beed for the offences punishable under Section/s. 395, 341, 347, 506 read with 34 of the Indian Penal Code. [R.C.C. NO.229/2014 pending on the file of the learned Judicial Magistrate, First Class, Beed.]

(iii) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)