

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

CRIMINAL APPLICATION NO. 3346/2015.
WITH
CRIMINAL APPLICATION NO. 3372/2015.

CRIMINAL APPLICATION
NO.3346/2015.

CRIMINAL APPLICATION
NO.3372/2015.

Yogesh Shankar Chaudhari.

Ganesh Bansilal Dhamane.

Versus.

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The State of Maharashtra & Ors.

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Appearance =>

Mr. B.S. Deshmukh, Advocate for the Applicant in Cri. Appln. No. 3346/2015.

Mr. Satyajit Bora, Advocate for the Applicant in Cri. Appln. No. 3372/2015.

Mrs. S.G. Chincholkar, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 14th July, 2015.

Per Court :-

These two Criminal Applications are for regular bail. Both these Applications arise out of the same Crime i.e. CR No. 71 Of 2015, registered with Police Station, Ramanand Nagar, Jalgaon, District – Jalgaon for the offences punishable under Section/s 143, 147, 452, 364(A), 385, 386, 323, 500, 500(2), 504, 506 of the Indian Penal

Code and under Section 4 read with 25 of the Arms Act, therefore, these Applications are disposed of by this common order.

[2] Heard Mr. B.S. Deshmukh, learned counsel for the Applicant in Cri. Appln. No. 3346/2015, Mr. Satyajit Bora, learned counsel for the Applicant in Cri. Appln. No. 3372/2015.

Both these Applications are opposed by Mrs. S.G. Chincholkar, learned Additional Public Prosecutor for the State.

The main thrust of the opposition by the learned Additional Public Prosecutor is that the investigation is in progress and the charge sheet is not filed. The First Information Report is lodged by Sneha Milind Joshi on 6th May, 2015. Names of the present Applicants are appearing in the First Information Report. According to the FIR, First Informant is having only one son by name – Soham. The First Information Report proceeds that, she received telephonic call from Applicant – Yogesh Chaudhari. That time, he disclosed his identity and informed that he has given Rs.30,000/- to Soham on interest and he demanded the said amount. It is further allegations in the First Information Report that Applicant – Yogesh also came to the Office of the First Informant and there also demanded the money.

[3] The First Information Report further states that, on 12/04/15 when the First Informant and Soham were present in the house that time, accused persons including the present Applicants entered into her house and that time, Applicant – Ganesh demanded Rs.65,000/- which were given by him to Soham. It is also alleged

that, that time, Applicant – Yogesh alongwith other accused caught hold the collar of shirt of Soham and tried to assault him by means of wooden stick.

[4] It is further alleged that, that time, Applicant – Yogesh obtained the signature of First Informant on the blank cheques. It is also alleged in the First Information Report that on 22/04/15, Applicant – Yogesh gave telephonic call and called the First Informant and her son at Ganpati-nagar and there also threats were extended.

[5] The Applicants are arrested on 1st June, 2015. After their arrest, they were produced before the learned Magistrate and Police Custody Remand was obtained. After completion of the Police Custody Remand both the Applicants were sent in Magisterial Custody Remand.

[6] Upon making a specific query by this Court as to whether there is recovery consequent to discovery made by the present Applicants under Section 27 of the Indian Evidence Act, to this query, emphatic answer of the learned Additional Public Prosecutor is in the negative. She submitted that, from the house of present Applicants, at the behest of their brothers, two cheques were seized. Except this there is no any incriminating material.

[7] It is worth to note that prior to filing of the present First Information Report on 20/05/15, Applicant – Ganesh in Criminal Application No.3372/15 has filed the First Information Report against First Informant – Sneha Joshi on 11th May, 2015 which was registered

as CR No.51/2015 registered with Zilla-Peth Police Station, Jalgaon, District – Jalgaon for the offences punishable under Section 420 of the Indian Penal Code.

[8] No doubt, present Applicants are named in the First Information Report by the First Informant however, looking to the nature of the allegations made against them and looking to the fact that, investigation in so far as these Applicants is already over, custodial presence is not warranted. That leads me to pass the following order :-

ORDER

(i) Criminal Application Nos. 3346/2015 and Criminal Application No.3372/2015 are allowed.

(ii) Yogesh Shankar Chaudhari (Applicant in Criminal Application No.3346/2015) and Ganesh Bansilal Dhamane (Applicant in Criminal Application No. 3372/2015.) shall be released on regular bail on they executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] each with two solvent sureties in the like amount, in connection with CR No. 71 Of 2015, registered with Police Station, Ramanand Nagar, Jalgaon, District – Jalgaon for the offences punishable under Section/s 143, 147, 452, 364(A), 385, 386, 323, 500, 500(2), 504, 506 of the Indian Penal Code and under Section 4 read with 25 of the Arms Act.

(iii) Bail before trial court.

(iv) The Applicants shall not tamper with the prosecution case.

(v) Both the Applicants shall attend Police Station, Ramanand Nagar, Jalgaon, District – Jalgaon twice in a week, preferably on every Sunday and Tuesday, between 11.00 a.m. to 2.00 p.m., till charge sheet is filed.

(vi) After filing of the Charge-Sheet, both the Applicants shall report the said Police Station once in a fortnight, preferably on Sunday, between 11.00 a.m. to 2.00 p.m., till trial is over.

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

(V.M. DESHPANDE, J.)