

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4005 OF 2015

Vishwas s/o Bhimrao Badoge (Gadhri) ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Vikram R. Dhorde, Advocate for applicant;
Mrs B.B. Gunjal, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 21st August, 2015

ORAL ORDER :

The applicant, who is an accused in C.R. No.86 of 2015, registered with Mohadinagar Police Station, District Dhule, for offences punishable under sections 394, 341, 120 (B) of the Indian Penal Code, vide first information report dated 3rd July, 2015, for an incident dated 25th April, 2015, has moved the present application for grant of pre-arrest bail.

2. It is the case of the prosecution that on 25th April, 2015, the applicant along with other co-accused has robbed the complainant of his truck, which was used for transporting alcohol. It is further alleged by the prosecution that for the incident dated 25th April, 2015, the complaint was received on 3rd July, 2015, as the complainant – Driver noticed about the alleged incident in the newspaper and then reported the matter to the police.

3. The case, as narrated by the complainant in the first information report, *prima facie* lacks *bona fides*, as in my opinion, the delay caused in filing the first information report and the un-natural conduct of the

complainant of not reporting the matter immediately to the police authorities, though the same fact was brought to the notice of the vehicle owner, is required to be taken into account as circumstances in favour of the present applicant.

4. In view thereof, in my opinion, it will be appropriate to order release of the applicant on pre-arrest bail. Thus, the following order :-

Criminal Application stands allowed.

In the event of arrest of the applicant, in connection with C.R. No.86 of 2015, registered with Mohadinagar Police Station, District Dhule, for offences punishable under sections 394, 341, 120 (B) of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.10,000/- with one surety of like amount, on condition that he shall attend the concerned police station as and when called by the Investigating Officer.

(N.W. SAMBRE, J.)

amj