

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

CRIMINAL APPLICATION NO. 6146 OF 2015

Arjun Khushal Dabhade

...Applicant

VERSUS

The State of Maharashtra

...Respondent

.....
Shri N.S.Ghanekar, advocate for applicant

Smt. M.A.Deshpande, A.P.P. for respondent/State

.....

CORAM : INDIRA K.JAIN, J.

DATED : 21st December, 2015

ORDER :

This is an application for regular bail in Crime No. I-115/2015, registered at Gangapur police station, District Aurangabad for the offences punishable under Sections 395, 379, 279, 427 of the Indian Penal Code.

2] Heard Shri N.S.Ghanekar, learned counsel for the applicant and Smt. M.A.Deshpande, learned A.P.P. for respondent /State. Perused case papers.

3] Nitin Bharat Padar, r/o Bhendala, Taluka Gangapur, District Aurangabad is the first informant. On 16.6.2015 he lodged report stating therein that he is owner of two trucks which were used for transportation. On 14.6.2015 drivers carried both the trucks to Lonand, District Satara. On 16.6.2015 trucks after loading were parked in front of hotel Amar near Bhendala phata. Sachin driver of a tuck called the complainant and informed that in a white Tawera

five persons came, gave threats by iron road (Tommy), took away diesel from the tank and went towards Aurangabad side.

4] The incident was reported to police. Three persons were intercepted on the spot. They were identified by driver Sachin. It is alleged that applicant and other co-accused fled away. The names of present applicant and one more co-accused were disclosed by the persons who were intercepted on the spot.

5] During investigation statement of Sachin Ashok Choudhari came to be recorded. He is an eye witness to the incident. He did not identify the applicant. In view of the manner of incident narrated in F.I.R. and stated by witness Sachin it was necessary to get the identification of applicant ascertained.

6] Applicant was arrested on 18.8.2015. Since then he is in custody. The diesel which was allegedly stolen has been recovered. Charge sheet has been filed.

7] Learned A.P.P. submits that applicant has criminal antecedents and there is likelihood of applicant committing the similar offence. The apprehension of learned A.P.P. can be taken care by imposing suitable condition.

8] In the above background this court finds it fit to allow the application. Hence the following order.

ORDER

(i) Criminal Application No. 6146 of 2015 is allowed.

(ii) Applicant is released on bail in Crime No. I-115/2015, registered at Gangapur police station, District Aurangabad for the offences punishable under Sections 395, 379, 279, 427 of the Indian Penal Code

on P.R. and S.B. of Rs.15000/- each.

(iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required.

(iv) Applicant shall not indulge himself in any such offence and in case the similar offence is registered against the applicant prosecution shall be at liberty to move for cancellation of bail.

(v) Bail before the Trial Court.

(vi) Parties to act on the authenticated copy

[INDIRA K.JAIN, J.]

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