

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

CRIMINAL APPLICATION NO. 976 OF 2016

1. Mohan s/o Mannu Gujdawat,
Age: 30 years, Occ. Labour
 2. Puttar s/o Ramdas @ Aasmanya Rathod,
Age: 22 years, Occ. Labour,

Both R/o. Aambi, Tq. Mawal,
Dist. Pune
- ...Applicants

versus

The State of Maharashtra
through Songir Police Station,
Dist. Dhule

...Respondent

.....
Mr. M. R. Wagh, Advocate for applicants
Mr. S. P. Deshmukh, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 29th FEBRUARY, 2016

ORAL ORDER :

Leave to correct the surname of the applicant.

2. The applicants are seeking regular bail in Crime No. 119 of 2015 registered at Songir Police Station, Dist. Dhule, for the offences punishable under Sections 395, 397 of Indian Penal Code and under Section 3/25 of Indian Arms Act.

3. The prosecution case is that the applicants have committed dacoity alongwith other accused persons and the

applicants, as such, are apprehended in the said crime. The investigation in the matter is complete and chargesheet is already filed.

4. Learned Counsel for the applicants would urge that, as during the investigation, no evidence could be found against the applicants, the Investigating Officer has initially filed report under Section 169 of Criminal Procedure Code, which was rejected by the Magistrate, resulted into filing of the chargesheet in the matter. The applicants claimed that, there are no criminal antecedents against them. He would then submit that, other two accused, who are similarly placed, are already released by learned Court below. In view of above, learned Counsel for the applicants prays for grant of bail.

5. Learned A. P. P. opposed the application on the ground that, other accused persons are absconding and in the Test Identification Period, the applicants were identified. He submits that, there is prima facie involvement of the applicants in the crime in question.

6. Having bestowed my thought to the submissions made, it is required to be noted that filing of the report under Section 169 of

Criminal Procedure Code, which was followed by filing of the chargesheet is required to be appreciated. The other two accused, who are similarly placed, already ordered to have been released on bail. Perusal of the chargesheet depicts that, there is no any material on record of involvement of the applicants in crime in question.

7. The identification of the applicants in Test Identification Period will be of hardly any consequence, as the said material cannot be considered and used for the purpose of corroboration.

8. In this background, the applicants are entitled to be released on bail. Hence I pass following order :

The applicants be released on bail, in connection with Crime No. 119 of 2015 registered at Songir Police Station, Dist. Dhule, for the offences punishable under Sections 395, 397 of Indian Penal Code and under Section 3/25 of Indian Arms Act, upon executing P. R. Bond of Rs. 15,000/- with one surety in the like amount, by each of them.

9. Criminal Application stands allowed in above terms.

[N.W. SAMBRE, J.]