

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1297 OF 2016

Bandu @ Govind Manik Darade
Age 27 years, Occu.: Driver,
R/o Warkhed, Savangi, Tq. Shevgaon,
District Ahmednagar .. Applicant

Vs.

The State of Maharashtra
Through Chaklamba Police
Station, District Beed .. Respondent

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Mr. Nilesh S. Ghanekar, Advocate for the applicant
Mr. A.R. Borulkar, APP for the respondent-State

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CORAM : M.T. JOSHI, J.

DATED : 18/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is arrested by Chakalamba Police Station, Dist. Beed in Crime no.I-79 of 2011 for the offences punishable under section 395 of the Indian Penal Code and under section 3(1)(2), 3(2), 3 (4) of the Maharashtra Control of Organized Crimes Act, is praying for his release on bail.

3. The applicant has earlier filed application bearing Criminal Application No. 3778 of 2015. The same was however withdrawn on 28/07/2015.

4. Mr. Ghanekar, learned counsel for the applicant submits that despite withdrawal of the application on 28th July, 2015, there is no progress in the trial. He further relies on the order passed by this Court dated 23rd August, 2012 passed in Criminal Application NO. 3204 of 2012, wherein similarly situated accused has been released on bail by this Court in the same crime.

5. The complaint would show that in the night on 17/11/2011, at about 8.00 pm, while the complainant was proceeding on his motorcycle, some unknown dacoits accosted him and took away his mobile phone of nokia make and cash of Rs.49,500/-. Therefore, the offence came to be registered and the chargesheet is filed. So far as the present applicant is concerned, the material is that his own motorcycle is seized from him, which according to the prosecution, was used to proceed

to the spot of occurrence. There is however no material on record to show that the motorcycle was taken to the spot of occurrence.

6. Considering all the facts on record and finding that the trial would take its own time, the following order :-

I) The Application is allowed.

II) The applicant be released on bail in Crime no.I-79 of 2011 registered with Chakalamba Police Station, Dist. Beed for the offences punishable under section 395 of the Indian Penal Code and under section 3(1)(2), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, upon his executing P.R. bond in the sum of Rs.40,000/- (Rs. Forty Thousand) and also upon furnishing two sureties in the amount of Rs.20,000/- (Rs. Twenty Thousand) each.

[M.T. JOSHI]
JUDGE

arp/-