IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1637 OF 2016

Sunil @ Sonal S/o Bhausaheb Pawar,
Age 23 years, Occupation : Labour,
R/o Garkheda Road, Jawhar Colony,
Bhanudas Nagar, Tarkheda,
Tq. & Dist. Aurangabad

At present : Ganesh Nagar,
Near Guru Lawns, Beside Surya Lace,
Beed Bypass Devlali,
Satara Parisar, Aurangabad .. Applicant

Vs.

The State of Maharashtra
Through Osmanpura Police Station
Aurangabad .. Respondent

Mr. N.S. Ghanekar, Advocate for the applicant
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : INDIRA K. JAIN, J.
DATE : 03/05/2016

ORDER :

This is an application for regular bail in crime no. 257 of 2015 registered at Osmanpura Police Station, Dist. Aurangabad for the offences punishable under section 3(1)(II), 3(2), 3(4) of Maharashtra Control of Organised Crimes Act, 1999

(for short "**M.C.O.C. Act**") and under sections 458, 395, 392 of the Indian Penal Code.

2. Heard Mr. Ghanekar, learned counsel for applicant and Mr. Borulkar, learned A.P.P. for respondent/State. Perused papers of investigation.

3. The first informant is Mishrilal Kanhaiyalal Bardiya, resident of Dashmeshnagar, Aurangabad. On 15/10/2015, he lodged FIR, alleging therein that, he woke up at 4.00 am and found that some unknown persons, between the age group of 35-40 broke open the lock of cupboard kept in the bedroom of his house and committed dacoity of gold ornaments worth Rs.50,000/- and cash of Rs.1,05,000/-. On the report of informant, provisions of M.C.O.C. Act were invoked. Test identification parade was held. According to prosecution, applicant had past antecedents and various crimes were registered against him.

4. It can be seen from the memorandum of test identification parade that, applicant was not identified by witnesses. The only material against applicant is recovery of Rs.1000/- at his instance.

5. It is alleged that a case under section 376 of the Indian Penal Code was pending against applicant at the relevant time. Applicant was arrested on 23/11/2015. Incident took place on 15/10/2015. It appears from the copy of judgment in Sessions Case No. 331 of 2012 that applicant was acquitted on 11/2/2015 of the offence alleged. So, on the date of registration of crime, no offence was pending against applicant.

6. In the light of the above, this Court is inclined to enlarge the applicant on bail. Hence, the following order:-

ORDER

(i) Criminal Application No. 1637 of 2016 is allowed.

(ii) Applicant is released on bail on P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) each.

(iii) He shall not tamper with prosecution witnesses and shall make himself available, as and when required.

(iv) Bail before the Trial Court.

[INDIRA K. JAIN]
JUDGE

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