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

CRIMINAL APPLICATION NO. 2346 OF 2016

Amol s/o Kacharu Pansare ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr N. D. Sonawane, Advocate for applicant;
Ms R. P. Gaur, Addl. Public Prosecutor for respondent

WITH

CRIMINAL APPLICATION NO. 1998 OF 2016

Pintu @ Parmeshwar Pandit Aghav ..APPLICANT

VERSUScriap2346

The State of Maharashtra ..RESPONDENT

Mr S. J. Salunke, Advocate for applicant;
Ms R. P. Gaur, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th June, 2016

ORAL ORDER :

By these applications under section 439 of the Indian Penal Code, the applicants seek their release on bail, in connection with C.R. No.I-227 of 2015, registered with Shillegaon police station, Taluka Gangapur, Dist. Aurangabad, for offences punishable under sections 395, 341 and 412 of the Indian Penal Code.

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2. Applicant Amol was arrested on 17th November, 2015, whereas applicant Pintu @ Parmeshwar was arrested on 19th November, 2015, for an incident alleged to have taken place on 9th November, 2015.

3. The prosecution story against the present applicants is that they were members of a group, which has committed a dacoity by removing country liquor boxes and the truck which was used for transportation, by confining the vehicle driver and other employees.

4. There is discovery of property under section 27 of the Evidence Act against each of the accused.

5. The investigation in the matter is complete and charge-sheet is already filed.

6. Both the learned Counsel appearing on behalf of the applicants, while seeking release of the applicants on bail, would submit that there are no criminal antecedents, but for the crime in question against them and the applicants have already undergone custodial interrogation as also the charge-sheet is filed, their detention is not necessary as they would be very much available for trial.

7. Learned Addl. Public Prosecutor would submit that having regard to the nature of crime and evidence available on record, it is sufficient to infer *prima facie* involvement of the applicants and thus the application be

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rejected. She would submit that a proposal for invoking provisions of Maharashtra Control of Organized Crimes Act, 1999 against the applicants is in the pipeline.

8. Having bestowed my anxious thoughts to the submissions made, it is noted that there are no criminal antecedents and the applicants are behind bars for last more than six months. The investigation in the matter is complete and charge-sheet is already filed. There is no necessity for further detention of the applicants as they were very much available for the investigation.

9. In view of above background, in my opinion, it will be appropriate to enlarge the applicants on bail. I, therefore, pass following order :-

The applicants be released on bail, C.R. No.I-227 of 2015, registered with Shillegaon police station, Taluka Gangapur, Dist. Aurangabad, for offences punishable under sections 395, 341 and 412 of the Indian Penal Code, on each of them furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

The applicants shall attend the concerned Court with which Regular Criminal Case No.75 of 2016, arising out of C.R. No.227 of 2015 is pending, once a fortnight on 5th and 20th day of each month, commencing from 5th July, 2016.

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The applicants shall not tamper with the prosecution evidence or witnesses.

Criminal Applications stand allowed in above terms.

(N.W. SAMBRE, J.)

amj