

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.:2069 OF 2016

Balu S/o. Puna Kedar
VERSUS
The State of Maharashtra

Mr. R. S. Shinde, h/f Mr. N. L. Choudhari, Advocate for Applicant.
Mr. S. D. Ghayal, A.P.P. for Respondent.

WITH

CRIMINAL APPLICATION NO.:2103 OF 2016

Mahendra S/o. Bhaskar Kedar
VERSUS
The State of Maharashtra

Mr. R. S. Shinde, h/f Mr. N. L. Choudhari, Advocate for Applicant.
Mr. S. D. Ghayal, A.P.P. for Respondent.

CORAM : **INDIRA K. JAIN, J.**
DATE : 26th April, 2016.

P.C.:

. Applicants in both these applications are Accused in Crime No.18 of 2016 registered at Mohadinagar Police Station, District Dhule for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 3 read with 25 of the Indian Arms Act.

2 Applicant Balu was arrested on 20th March, 2016 and Applicant Mahendra was arrested on 26th March, 2016 and since then they are in

custody. Applicants seek their enlargement on regular bail.

3 Heard the learned counsel for parties. Perused papers of investigation.

4 Complainant Bipin Patil is a Police Naik. On 1st March, 2016 he was on duty at Chalisgaon, District Jalgaon on Mumbai – Agra national highway. He noticed one Tavera vehicle driven in rash speed. Even after the signal was given by police vehicle did not stop. Complainant could intercept the vehicle. Five persons with pistols, bullets, knives, iron rods and masks were found in the vehicle. It was alleged that they had made preparation to commit dacoity with deadly weapons.

5 On the basis of complaint crime was registered initially against five persons. Applicants were arrayed as Accused during course of investigation. FIR does not name the Applicants. They were in police custody. Nothing could be recovered at their instance. Recovery of weapons is at the instance of other Accused. Both the Applicants were not amongst the persons who were found in the vehicle with deadly weapons.

6 Learned APP submitted that investigating agency has

collected CDR showing exchange of calls between Applicants and main Accused. On perusal of CDR extract it can be seen that mobile which was used during night of incident belonged to some other person and not the Applicants.

7 In the above premise this Court finds that no purpose would be served in keeping the Applicants in further custody. They are permanent residents of Karmud, Taluka Chalisgaon, District Jalgaon and there is no likelihood of their fleeing from justice. Applications thus deserve to be allowed. Hence the following order –

ORDER

- I. Criminal Application Nos.2069 and 2103 of 2016 are allowed.
- II. Applicants are released on bail in Crime No.18 of 2016 registered at Mohadinagar Police Station, District Dhule for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 3 read with 25 of the Indian Arms Act on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand Only) each.

III. Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.

IV. Bail before the Trial Court.

[INDIRA K. JAIN, J.]

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