

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2144 OF 2016

Sonaji Jayantrao Chaudhary,
Age : 33 years, Occu.: Driver,
R/o Shelud, Tq. & Dist. Aurangabad .. Applicant

Vs.

- 1] The State of Maharashtra
Through Police Station
Hasnabad, Tq. Bhokardan,
District Jalna
- 2] The Superintendent of Police,
Jalna, District Jalna .. Respondents

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Mr. C.V. Thombre, Advocate for the applicant
Mr. S.J. Salgare, APP for the respondent-State
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CORAM : N.W. SAMBRE, J.
DATED : 09/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking pre-arrest bail in Crime no. 0073 of 2015 registered on October 3rd, 2015 at Hasnabad Police Station, Tq. Bhokardan, Dist. Jalna for the offences punishable under section 419, 420, 34 of the Indian Penal Code for the alleged incident dated 23/8/2015.

3. The prosecution story is that complainant Vaijinath has purchased a tractor on hire purchase agreement from Tata Finance and the present applicant alongwith other accused Devilal impersonated him as an employee of Tata Finance and sold the tractor to co-accused Shaikh Rashid, who in turn, sold the same to Shaikh Jabbar.

4. While trying to make out a case for grant of bail, Shri C.V. Thombre, learned counsel for the applicant would urge that the applicant's involvement in the crime in question is improbable, as the role attributed to the present applicant is to act in connivance with the co-accused – Devilal. According to him, it is only upon statement of co-accused Devilal and Shaikh Rashid, the applicant is named as an accused. He would then submit that it is settled law that the statement of co-accused cannot be relied upon for ascertaining the involvement of the applicant, unless the same is corroborated by other piece of evidence.

5. Learned A.P.P. submits that custodial interrogation of the applicant is necessary, as the applicant has committed a serious crime punishable under section 419, 420, 34 of the Indian Penal Code alongwith the other co-accused.

6. Having bestowed my thoughts to the submissions advanced before me, it is required to be noted that the only piece of evidence available during investigation against the present applicant is that co-accused – Devlial and Shaikh Rashid have named the present applicant as one of the co-accused. Apart from above, there is hardly any material on record to connect the present applicant with the crime in question. The applicant, in-fact is not named as an accused by any witness but for the co-accused.

7. In that view of the matter, in my opinion, custodial interrogation of the applicant is not necessary. Hence, the following order :-

8. In the event of the arrest of the applicant in Crime no.0073 of 2015 registered with Hasnabad Police Station, Tq. Bhokardan, Dist. Jalna for the offences punishable under section 419, 420, 34 of the Indian Penal Code, he be released on bail upon his executing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

9. The applicant shall attend the concerned Police Station on 17th and 18th June, 2016 between 10 am and 12 noon and thereafter as and when called.

10. The applicant shall not tamper with the prosecution evidence.

11. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-