

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2949 OF 2016

Bhausahab S/o Bhivsen Markad .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....

Mr. R.R. Karpe, Advocate for the applicant

Mr. C.V. Dharurkar, APP for the respondent-State

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CORAM : N.W. SAMBRE, J.

DATE : 17/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking pre-arrest bail in Crime no.I-34 of 2016 registered at Virgaon Police Station, Tq. Vaijapur, Dist. Aurangabad for the offences punishable under section 435, 323, 143, 147, 149, 379, 506 of the Indian Penal Code.

3. The prosecution case against the applicant is that the applicant alongwith other co-accused has removed the tractor of the complainant, taken it in

the Godavari riverbed and set it ablaze.

4. It is claimed in the FIR that since the complainant was carrying out activity of drawing and carrying the sand illegally from the riverbed, the applicant and co-accused have set the tractor on fire.

5. So far as the crime in question is concerned, offence under section 379 of the Indian Penal Code appears to be non-bailable, however, rest of the sections are bailable. Section 379 of I.P. Code is concerned, the tractor was found very much in the riverbed in burnt condition. As such, the story that the applicant has stolen the tractor is in doubt. Prima facie, involvement of the applicant in a false crime by the sand mafias cannot be ruled out. In view of above, following order:-

6. In the event of the arrest of the applicant in Crime no.I-34 of 2016 registered with Virgaon Police Station, Tq. Vaijapur, Dist. Aurangabad for

the offences punishable under section 435, 323, 143, 147, 149, 379, 506 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) each with one surety each in the like amount.

7. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-