

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

CRIMINAL APPLICATION NO.3292 OF 2016

Yashpal s/o Yogiraj Kamble,
Age 34 years, Occu. Business,
R/o Bastapure Nagar, Latur,
Taluka and District Latur

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr T.M. Venjane, Advocate for applicant
Ms R.P. Gaur, A.P.P. for respondent

CORAM : V.K. JADHAV, J.

DATE : 19th July 2016

PER COURT

Heard learned Counsel for the applicant and learned A.P.P. for respondent-State.

2. Perused the investigation papers. The applicant is seeking pre-arrest bail in connection with Crime No.325/2015 registered at Gandhi Chowk Police Station, District Latur, for the offences punishable under Sections 364-A, 384, 356, 323, 506 read with Sec.34 of Indian Penal Code.

3. The applicant's similar prayer came to be rejected by the Additional Sessions Judge, Latur vide order dated 12.1.2016 passed below Exh.1 in Criminal Misc. Application (Bail) No.09/2016.

4. Learned Counsel for the applicant submits that the name of the present applicant is not mentioned in the first information report and for the first time, while seeking extension of the P.C.R. of the arrested

accused persons on 17th December 2015, the name of the present applicant revealed through the arrested accused persons. Learned Counsel further submits that except this, there is no evidence at all collected by the Investigating Officer during course of the investigation against the present applicant. Furthermore, the accused Suraj Raut, whose name is mentioned in the first information report is released on bail by the trial Court, after his arrest and one another person by name Gullu Khan, whose name is also mentioned in the first information report is granted pre-arrest bail. The learned Counsel submits that the antecedents of the applicant are clear and he has fix place of residence and he is not likely to be absconded.

5. Learned A.P.P. submits that during the course of investigation, the participation of the present applicant in the crime disclosed by the arrested accused persons. He submits that the weapons used in the crime are yet to be recovered, so also the amount obtained as a ransom from the complainant. Learned A.P.P. submits that the custodial interrogation of the present applicant is required.

6. It appears from the contents of the complaint that name of the present applicant is not mentioned in the complaint. It further appears that for the first time, while seeking extension of P.C.R., name of the applicant is disclosed before the Magistrate with the averments in the remand yadi that his name is disclosed by the other arrested persons. There is no other evidence connecting the present applicant with the alleged crime. The applicant has fixed place of residence and he is not likely to be absconded. There is no evidence to show that

the applicant has participated in the crime and, therefore, there is no question of any recovery from him. In view of above, by imposing certain conditions, the applicant can be released on bail. Hence, I proceed to pass the following order :

ORDER

- (I) Criminal Application is hereby allowed.
- (II) In the event of arrest in connection with Crime No.325/2015 registered at Gandhi Chowk Police Station, District Latur, for the offences punishable under Sections 364-A, 384, 356, 323, 506 read with Sec.34 of Indian Penal Code, the applicant - Yashpal s/o Yogiraj Kamble be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on the following conditions.
- (III) The applicant shall not tamper with the prosecution evidence in any manner.
- (IV) The applicant shall make himself available for investigation as and when required by the Investigating Officer.
- (V) The applicant shall attend the concerned Police Station once in a week i.e. on Sunday between 9.00 a.m. and 11.00 a.m. till filing of charge-sheet.

7. Criminal Application stands disposed of accordingly.

(V.K. JADHAV, J.)

vvr