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

CRIMINAL APPLICATION NO.3716 OF 2016

Nilesh Subhash Gayke,
Age: 27 years, Occ: Agri.,
R/o. Nadi Kirana, Ring Road,
Near Saibaba Temple, Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon. ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Inspector,
Chalisgaon Police Station,
Chalisgaon, Dist. Jalgaon. ..RESPONDENT

Mr D.B. Thoke, Advocate for applicant;
Ms R.P. Gour, Addl. Public Prosecutor for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th August, 2016

ORDER :

In Crime No. 59 of 2016 for the offence punishable under Sections 395, 341, 323, 427 of the Indian Penal Code, registered on 18th April, 2016 with Chalisgaon City Police Station, District Jalgaon, the applicant is named as one of the accused though the complainant was not knowing the applicant, who is seeking pre-arrest bail in the

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present case.

2. The prosecution case is that the complainant's vehicle used for transporting goods was stopped by the applicant along with other co-accused in Chalisgaon city and assaulted the driver, complainant, snatched amount, mobile etc., from the complainant and also damaged the vehicle of the complainant, resulting into registration of crime.

3. While trying to make out a case for grant of bail, learned Counsel for the applicant would urge that against the complainant, there is Crime No. 3012 of 2016 registered for the offence under the provisions of Prevention of Cruelty to the Animals Act and Unauthorized Transportation of the Animals. He would then submit that as the crime is registered against the complainant, the complainant in the present crime has informed investigating agency that the applicant was assaulted by the complainant in the said crime i.e. Khushal Patil.

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He would submit that in view of counter first information report, the applicant's false implication cannot be ruled out. In any case, Mr. Thoke, learned Counsel for the applicant submits that the applicant is made to involve in the crime, wherein the applicant has tried to stop the perpetuity of the crime. He would then submit that though the applicant is named as an accused in the first information report, however, the complainant himself has stated that he personally does not know the applicant.

4. Learned A.P.P. opposed the application for grant of bail on the ground that the custodial interrogation of the applicant is necessary, looking to the nature of allegation in the first information report.

5. Having bestowed my thought to the submissions made, it is required to be noted that the applicant was specifically named in the first information report, however, the complainant has

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admitted that the he was unable to identify the applicant and it is only upon receiving information from somebody, he has named the applicant.

6. Registration of counter first information report under the provisions of Prevention of Cruelty to the Animals Act and Unauthorized Transportation of the Animals against the complainant is not in dispute.

7. In view of above, false implication of the applicant in the crime in question cannot be ruled out. Hence, the applicant is entitled to be released on bail. As such, the following order is passed :-

In the event of arrest, the applicant be released on bail, in connection with Crime No. 59 of 2016, registered with Chalisgaon City Police Station, District Jalgaon, for the offence punishable under Sections 395, 341, 323, 427 of the Indian Penal Code, upon furnishing P.R. bond of

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Rs.15,000/- with one surety in the like amount.

8. Criminal Application stands allowed in
above terms.

(N.W. SAMBRE, J.)

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