

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

Criminal Application No. 4280 of 2016

District : Ahmednagar

Anil s/o. Nandu Pawar,
Age : 25 years,
Occupation : Labour,
R/o. Shirasgaon,
Taluka : Shrirampur,
District : Ahmednagar.

.. Applicant.

versus

The State of Maharashtra,
Through Police Station,
Shrirampur City,
District : Ahmednagar.

.. Respondent.

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*Mr. Kunal A. Kale, Advocate, holding for
Mr. Arvind S. Kale, Advocate, for the applicant.*

*Mr. S.M. Ganachari, Addl. Public Prosecutor,
for the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 31ST AUGUST 2016

ORAL ORDER:

The applicant / accused in Crime No. I-10/2016, for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code, registered with City Police Station, Shrirampur,

District Ahmednagar, by this application, is seeking his release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for the applicant as well as the learned Addl. Public Prosecutor appearing for the respondent - State.

3. The learned Addl. Public Prosecutor is not disputing the fact that the only evidence available with the prosecution against the present applicant is his confessional statement which has resulted in recovery of stolen motorcycle as well as a sword stick.

4. According to the prosecution case, at about 04.00 a.m. of 15.01.2016, the applicant along with co-accused had committed robbery at the house of informant Ashok Kulkarni and took away cash and valuables worth Rs. 1,60,000/-. The informant has categorically mentioned in the FIR that he had seen all offenders in the light. No test identification parade is conducted. Recovery is that of motorcycle and a sword stick. It is not clarified as to how the motorcycle can be connected with the crime in question.

5. The learned Addl. Public Prosecutor submits that the applicant is history sheeter and in the night when the incident took place, another two

robberies were committed by the applicant and co-accused.

6. While deciding whether pre-trial detention is warranted, nature of evidence against the applicant is one of the relevant factors. Considering the nature of evidence available against the present applicant in the crime in question, his further pre-trial detention is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in Crime No. I-10/2016, for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code, registered with City Police Station, Shrirampur, District Ahmednagar, be released on bail on his executing P.R. Bond in the sum of the Rs. 15,000/- and on furnishing one or more solvent sureties of the like amount.

(c) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) The applicant shall not tamper with the

prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial.

(e) The applicant shall not repeat commission of similar type of offences in future.

8. The Application stands disposed of in the aforesaid terms.

(A.M. BADAR)
JUDGE

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