

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

6 CRIMINAL APPLICATION NO. 4296 OF 2016

JUBER S/O RAJJAK PATHAN @ SHAIKH

VERSUS

THE STATE OF MAHARASHTRA

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Mr. A.N.Nagargoje, Advocate for Applicant.

Mrs. V.N.Patil (Jadhav), A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 26th AUGUST, 2016

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PER COURT :

1. The applicant/accused in Crime No. 416/2016 registered at Shivaji Nagar police station, Beed, Tq. and Dist. Beed for the offence punishable u/s 379 of the Indian Penal Code by this application is praying for releasing him on bail after filing of the charge sheet.

2. Heard learned counsel for the applicant and learned A.P.P. Learned A.P.P. submits that the present applicant has criminal antecedents and in another crime 7

stolen motorcycles are recovered from him.

3. Perused F.I.R. lodged by Sunil Govind Gaikwad. He alleged that on 23/05/2016, when he was attending tuition class, his motorcycle was stolen by some unknown thief. It appears that as the applicant was arrested in some other crime regarding theft of motorcycle, he is arrested in the present case. *Prima facie*, it is seen that despite P.C.R. nothing came to be recovered from the applicant in this crime. Hence, his further pre-trial detention is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) The applicant Juber s/o Rajjak Pathan @ Shaikh in Crime No. 416/2016 registered at Shivaji Nagarpolice station, Beed, Tq. and Dist. Beed for the offence punishable u/s 379 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall not repeat the commission of similar offence in future.

[A.M.BADAR, J.]

KNP/Cr.Apln. 4296.2016