

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

915 CRIMINAL APPLICATION NO. 4700 OF 2016

SANJAY S/O PANDIT @ MALHARI GHUGE

VERSUS

THE STATE OF MAHARASHTRA

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Mr. V.A.Bagdiya, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 29th SEPTEMBER, 2016

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PER COURT :

1. Applicant/accused in Crime No. 133/2016 registered at Hingoli (City) police station, Hingoli, Dist. Hingoli for the offences punishable u/s 379 of the Indian Penal Code by this application is praying for releasing him on bail after filing of charge sheet.

2. Heard learned counsel for applicant/accused. He argued that applicant is not concerned with the crime in question and F.I.R. does not disclose his name. He further argued that case of the prosecution is resting on statement of Kiran Nagre, but present applicant had not sold any

motorcycle to said Kiran Nagre.

3. Learned A.P.P. opposed the application by contending that charge sheet shows that in all 3 motorcycles were recovered from present applicant and he is indulging in theft of motorcycles. Therefore, applicant is not entitled for bail.

4. Offence alleged against present applicant is punishable u/s 379 of the Indian Penal Code. It appears that learned Additional Sessions Judge, Hingoli while rejecting the application of present applicant was swayed with the fact that 17 motorcycles came to be recovered from possession of present applicant/accused. When this observation is compared with charge sheet placed on record by present applicant, there is no supporting document with charge sheet to show that in all 17 motorcycles were recovered from possession of present applicant. Charge sheet shows that there was recovery of 3 motorcycles from present applicant. Investigation of crime in question is over.

5. Considering the nature of crime, further pre-trial detention of present applicant is not warranted. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Sanjay s/o Pandit @ Malhari Ghuge in Crime No. 133/2016 registered at Hingoli (City) police

station, Hingoli, Dist. Hingoli for the offences punishable u/s 379 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 50,000/- [Rupees Fifty Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, 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) Applicant shall not tamper the evidence of the prosecution.

(v) Applicant shall not repeat commission of similar offence in future.

(vi) Applicant shall co-operate the trial Court in the expeditious disposal of trial against him.

[A.M.BADAR, J.]