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

CRIMINAL APPLICATION NO. 4954 OF 2016

Gokul s/o Dilip Arak,
Age: 28 years, Occ: Agri.,
R/o. Bakwal Nagar, Naigaon,
Tq. Gangapur, Dist. Aurangabad. ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Inspector,
MIDC Waluj Police Station,
Tq. Gangapur, Dist. Aurangabad. ..RESPONDENT

Mr M.L. Wankhade, Advocate for applicant;
Mr S. D. Ghayal, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 24th NOVEMBER, 2016

ORAL ORDER :

Present applicant seeks his release on bail, pursuant to his arrest on 19th August, 2015 in connection with Crime No. I-234 of 2015 registered with MIDC Waluj Police Station, District Aurangabad for offences punishable under Sections 399, 402 of the Indian Penal Code along with Section 135 of Bombay Police Act and under Section 25 of the Arms Act.

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2. As per first information report dated 19th August, 2015 on getting secret information, raiding party went to open place near Jogeshwari and saw five to six persons were sitting in the dark. When raiding party approached these persons and made enquiry, three persons ran away, while present applicant along with two others came to be arrested. After taking their search, motor cycle, country made gun and some cash came to be seized. On that basis, the aforesaid offences came to be registered.

3. It is submitted by the learned Counsel for the applicant that the entire investigation has been completed and charge sheet has been filed in the month of September, 2015. Though charge has been framed in the month of March, 2016, trial has not commenced. From the charge sheet, it is pointed out that all the witnesses, proposed to be examined, are from the raiding party and are in police department. He, therefore, submits that

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further detention of the applicant is not required.

4. The learned Additional Public Prosecutor opposes the application and relies upon the seizure report. It is submitted that considering the material available against the present applicant, his application deserves to be rejected.

5. Perused the charge sheet along with documents. Same indicate that the entire material, which forms part of the prosecution case, has been duly seized. List of the witnesses indicate that all of them belong to police department. Considering the fact that charge has already been framed in the month of March, 2016 and the present applicant has been arrested on 19th August, 2015 and has been behind the bars for more than one year, I am inclined to allow the present application subject to conditions. Hence, the following order :-

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: O R D E R :

(i) The applicant is directed to be released on bail, in connection with Crime No. I-234 of 2015 registered with MIDC Waluj Police Station, District Aurangabad for offences punishable under Sections 399, 402 of the Indian Penal Code along with Section 135 of Bombay Police Act and under Section 25 of the Arms Act, on his furnishing P.R. bond of Rs.20,000/- with one surety in the like amount.

(ii) The applicant shall attend the Court of learned Sessions Judge, Vaijapur on 10th of every month and as per directions of the learned Sessions Judge.

(iii) The applicant shall not take any steps to tamper with the material collected by the prosecution.

(iv) The applicant shall co-operate in the completion of trial.

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6. Criminal Application is allowed on above terms and is disposed of.

(A.S. CHANDURKAR, J.)

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