

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

Criminal Application No. 5293 of 2016

District : Ahmednagar

Ravi @ Ravindra s/o. Raju Bhalerao,
Age : 29 years,
Occupation : Business,
R/o. Newasa Phata,
Taluka : Newasa,
District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through its Investigation Officer,
Newasa Police Station,
Taluka : Newasa,
District : Ahmednagar. .. Respondent.

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Mr. N.B. Narwade, Advocate, for the applicant.

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
the respondent - State.*

*Mr. Vijay B. Jagtap, Advocate, appearing for
the original informant (Not party to the Application).*

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CORAM : A.M. BADAR, J.

DATE : 26TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. I-
133/2016 registered with Newasa Police Station,

Taluka Newasa, District Ahmednagar, for offences punishable under Sections 395, 384, 324, 427, 295A, read with Section 34 of the Indian Penal Code, by this application, is seeking his release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that considering the nature of offence, after filing of the charge-sheet, further pre-trial detention of the applicant is not warranted. The learned Counsel further argued that co-accused in this crime are released on bail by this Court and this Court on 02.08.2016 had noted willingness of applicants in Criminal application No. 3418 of 2016 and Criminal Application No. 3423 of 2016 to deposit an amount of Rs. 3,00,000/- with the Investigation Officer. Subsequently, this Court while disposing of those applications, had noted that the amount deposited by applicants therein was handed over to the first informant. Then those applicants were released on bail by this Court by order dated 05.08.2016. This position is not disputed by the learned Counsel appearing for the first informant as well as the learned Addl. Public Prosecutor. With this, the learned Counsel for the applicant submitted that the applicant had paid an amount of Rs. 4,00,000/- to the first informant. Mr. Jagtap, the learned Counsel appearing for the first informant, is not disputing this fact and has stated that the first

informant has received an amount of Rs. 4,00,000/- from the present applicant.

3. The learned Addl. Public Prosecutor opposed the application by contending that the crime in question is serious and such private deal cannot be accepted to release the applicant on bail. The learned Addl. Public Prosecutor drew my attention to the FIR lodged by Mahendra s/o. Ram Thore as well as statements of eye witnesses to point out that the crime in question is serious.

4. The learned Counsel appearing for the informant submits that he has no objection for releasing the applicant / accused on bail.

5. I have considered the rival submissions and perused the charge-sheet. According to the prosecution case, as reflected from the charge-sheet, accused persons including the present applicant initially demanded ransom of Rs. 5,00,000/- from the first informant in order to enable him to run the hotel business at Newasa bifurcation. Subsequently on 28.05.2016, after having dinner at that hotel, the applicant and his associates ransacked the hotel causing loss of Rs. 5,00,000/- to Rs. 7,00,000/- to the informant. It is further averred that they have looted cash of Rs. 25,000/- from the hotel.

6. The investigation of the crime in question is already over. Co-accused in this case had deposited an amount of Rs. 3,00,000/- with the Investigation Officer and subsequently that amount was transferred to the first informant. Thereafter this Court, as seen from the order dated 05.08.2016, passed in Criminal Application No. 3418 of 2016 and Criminal Application No. 3423 of 2016, was pleased to release co-accused on bail.

7. As investigation of the crime in question is over, I see no reason to refuse bail to the present applicant.

8. Hence, I pass the following order :-

(a) The Application is allowed.

(b) The applicant / accused, in the above crime, be released on bail on his executing P.R. Bond in the sum of Rs. 25,000/- and on furnishing one or more solvent sureties of the like amount.

(c) As conditions of this order, the applicant / accused shall abide by the following directives :-

(i) 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.

(ii) 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 against him.

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

(d) The Application stands disposed of in the above terms.

(A.M. BADAR)
JUDGE

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