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

Criminal Application No. 5613 of 2016

District : Aurangabad

Akshay s/o. Rajanikant Makasare,
Age : 19 years,
Occupation : Education,
R/o. Bhanushivra,
Taluka : Newasa,
District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through MIDC Waluj Police
Station, Aurangabad. .. Respondent.

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Mr. Anil P. Piratwad, Advocate, for the applicant.

Mr. S.J. Salgare, Addl. Public Prosecutor, for the respondent.

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CORAM : A.M. BADAR, J.

DATE : 25TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 451/2016 registered with MIDC Waluj Police Station, District Aurangabad, for offences punishable under Sections 399, 402 of the Indian Penal Code; under Sections 4 & 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, by this application,

is seeking his release on bail.

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

3. The learned Addl. Public Prosecutor argued that at the instance of juvenile in conflict with law, namely Dnyaneshwar Devkar, about 18 stolen motorcycles were seized. The learned Addl. Public Prosecutor further argued that the applicant and co-accused were apprehended red handed when they had prepared themselves to commit dacoity.

4. Perused papers of investigation. On the basis of secret information, a team of Police started patrolling and found some persons standing near the Hanuman temple on the road leading to Sajapur. Four of them were apprehended by Police whereas one absconded. The applicant is stated to be one amongst those four apprehended persons. Personal search of the present applicant has resulted in recovery of a knife. At the instance of the juvenile in conflict with law, stolen motorcycles were subsequently recovered.

5. Upon being asked, the learned Addl. Public Prosecutor has stated that so far as present

applicant is concerned, there are no criminal antecedents. The investigation qua the present applicant appears to be over. Therefore, his further pre-trial detention is not required.

6. 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. 15,000/- 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, in the event of filing charge-sheet 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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