

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

Criminal Application No. 5631 of 2016

District : Ahmednagar

Raju @ Rajendra Bhanudas Abhange,
Age : 24 years,
Occupation : Education,
R/o. Khirdiganesh,
Taluka : Kopargaon,
District : Ahmednagar. .. Applicant.

versus

The State of Maharashtra,
Through the Officer in-charge of
City Police Station, Kopargaon,
Taluka : Kopargaon,
District : Ahmednagar. .. Respondent.

.....

Mr. B.R. Kedar, Advocate, for the applicant.

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

.....

CORAM : A.M. BADAR, J.

DATE : 18TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 106/2016 registered with Kopargaon City Police Station, Taluka Kopargaon, District Ahmednagar, for offences punishable under Sections 394, 395, read

with Section 34 of the Indian Penal Code, by this application, is seeking pre-arrest bail.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant is a student taking education in S.N.D. Arts & Commerce College and he is not concerned with the crime in question. The FIR mentions commission of the crime by four persons and they have already been arrested by Police. Now, at the instance of Sarpanch of the village, the applicant is sought to be apprehended in the crime in question.

3. Upon being asked, the learned Addl. Public Prosecutor submits that name of the present applicant is stated by Sarpanch of the village and therefore his custodial interrogation is warranted.

4. Perused the record made available. The crime in question took place at about 04.00 to 04.30 12.08.2016 on Nagpur Highway at Sawnatsar Shivar. FIR lodged by informant Prakash s/o. Kasha Gouda Kola shows that when he along with his family was travelling in the car, he was required to halt his car in midway. At that time, four persons came near the car by walking and robbed them of their valuables.

5. The learned Addl. Public Prosecutor is not

disputing the fact that four persons are already arrested in this crime and some recovery is also effected from them. Throughout the FIR, allegations are in respect of commission of crime by four persons.

6. In this view of the matter, as name of the present applicant is only involved at the instance of Sarpanch of the village, his custodial interrogation is not warranted.

7. Hence, I pass the following order :-

(a) The Application is allowed.

(b) In the event of arrest of the applicant / accused, in the above crime, he 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 attend the concerned Police Station on 3rd November 2016 in between 11.00 a.m. and 01.00 p.m. and cooperate with the investigator.

(ii) 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.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

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

(A.M. BADAR)
JUDGE

.....