

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

**CRIMINAL APPLICATION NO. 5709 OF 2016**

Dattatraya S/o Fakkad Karanjule,  
 Age : 25 years, Occu.: Labour,  
 R/o : Padali Ranjangaon,  
 Tq. Parner, Dist. - Ahmednagar .. Applicant

Vs.

- 1] The State of Maharashtra  
 Through its Secretary,  
 Home Department,  
 Mantralaya, Mumbai
- 2] The Police Inspector,  
 Police Station, Parner,  
 Tq. Parner, Dist. - Ahmednagar .. Respondent

**AND**

**CRIMINAL APPLICATION NO. 5902 OF 2016**

Prashant Subhash Karanjule,  
 Age : 25 years, Occu.: Labour Work,  
 R/o Padali Ranjangaon,  
 Tq. Parner, Dist. - Ahmednagar .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. M.M. Patil (Beedkar), Advocate for the applicant  
 (5709/2016)

Mr. R.K. Temkar, Advocate for the applicant (5902/2016)

Mr. R.V. Dasalkar, APP for the respondent/State in both  
 Applications

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**CORAM : A.S. CHANDURKAR, J.**  
**DATE : 25/11/2016**

**ORAL ORDER :**

Heard.

2. Since both the applicants have been arrested in connection with Crime no.I-179 of 2016 registered at Parner Police Station, Dist. - Ahmednagar for offences punishable under Section 394 r/w. 34 of the Indian Penal Code, both the Applications are being decided by this common order.

3. As per the FIR dated 16/7/2016, it is informed that on the previous night at 8:30 pm, when the informant and her father-in-law were at home, two unknown persons had entered their house with their faces covered. After threatening the informant with a knife, the ornaments worn by the informant as well as some amount belonging to her father-in-law and mobile handset came to be snatched. On that basis, the aforesaid offence came to be registered. Both the applicants were arrested on 25/8/2016. Hence, the present Applications.

4. It is submitted by Shri Patil, learned counsel for the applicant in Criminal Application No.5709 of

2016 that after the applicant's arrest, no recovery has been effected from him. In the test identification parade, the father-in-law of the informant did not identify the present applicant. He therefore submitted that there was no reason whatsoever to connect the present applicant with the aforesaid crime. He submitted that chargesheet having been filed and investigation having been completed, the applicant was entitled for release on bail.

5. Shri Temkar, learned counsel for the applicant in Criminal Application No.5902 of 2016 submitted that the items alleged to have been recovered from the applicant, were different from the items that were alleged to have been snatched by the persons guilty of the offence. Therefore, referring to the receipt issued by the goldsmith, to indicate that it was dated 18/7/2015, while the offence in question occurred on 15/7/2016, he submitted that the case of the prosecution was falsified. He further submitted that in the test identification parade, the applicant was not identified.

6. Learned A.P.P. for the respondent-State opposed both the Applications. According to him, as per the material collected, the same was sufficient to implicate the present applicants. He referred to the seizure from accused - Prashant and submitted that his involvement in the crime was evident. He therefore submitted that both the Applications deserve to be rejected.

7. Perused the chargesheet and documents filed alongwith it. Insofar as applicant - Dattatraya is concerned, the documents indicate that nothing was recovered from him nor was he identified in the test identification parade. Insofar as the applicant - Prashant is concerned, he too was not identified by father-in-law of the informant. The items recovered at his instance, appears to be distinct from the items that were alleged to have been forcibly removed from the informant and her father-in-law.

8. Considering the fact that entire investigation is complete and chargesheet has been duly filed, further pre-conviction detention of the applicants in aforesaid facts, is not warranted.

9. In view of aforesaid, the following order :-

I) Both Criminal Applications are allowed.

II) The applicants are directed to be released on bail in Crime no.I-179 of 2016 registered at Parner Police Station, Dist. - Ahmednagar for offences punishable under Section 394 r/w. 34 of the Indian Penal Code, upon furnishing P.R. bonds of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount, by each of them.

III) The applicants shall attend the Court of learned Sessions Judge, Ahmednagar on 15/12/2016 and, thereafter, as per the directions of the learned Sessions Judge.

IV) The applicants shall not take any steps to tamper with the prosecution witnesses.

10. Observations made in the present order are only for deciding the Bail Applications.

11. Both Applications are accordingly allowed and disposed of.

**[A.S. CHANDURKAR]**  
**JUDGE**

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