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

CRIMINAL APPLICATION NO.6075 OF 2016

Raju s/o Suklal Patil (Marathe)
Age: 40 years, Occ: Business,
R/o. Marath Galli, Shirpur,
Tq. Shirpur, Dist. Dhule. ..APPLICANT

VERSUS

The State of Maharashtra,
Through Shirpur City Police
Station, Tq. Shirpur,
District – Dhule. ..RESPONDENT

Mr N.B. Patekar, Advocate h/f Mr P.R.
Katneshwarkar, Advocate for applicant;
Mr V.M. Kagne, Add. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 17th NOVEMBER, 2016

ORAL ORDER :

The applicant herein seeks release on bail under Section 439 of the Code of Criminal Procedure pursuant to his arrest in view of Crime No. 229 of 2016 registered at Shirpur City Police Station, District Dhule for offences punishable under Sections 143, 147, 148, 149, 325, and 395 of the

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Indian Penal Code.

2. On 21st August, 2016 the report was lodged by one Husenabi stating therein that present applicant along with four to five other persons created a crowd. The complainant came there, on which point of time, she was hit on her right cheek by one accused and she also lost her gold chain. The offence came to be registered against the present applicant and other accused. The applicant has been arrested on 21st August, 2016.

3. It is submitted by the learned Counsel for the applicant that on plain reading of the first information report, no overt act has been attributed against the applicant. The injuries caused by the complainant are by some other accused. It is further submitted by referring to the application submitted by the complainant dated 1st October, 2016 that the missing gold chain has been since found by the complainant. It is therefore, urged that there is no reason whatsoever

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to continue further detention of the applicant.

4. The application is opposed by the learned Additional Public Prosecutor on the ground that involvement of the present applicant is evident from the first information report. It is further submitted that the statements of the witnesses have been recorded indicating the presence of the applicant.

5. Perused the case papers. The first information report does not indicate any overt act on the part of present applicant. The question of tracing out any stolen property does not survive in view of the affidavit of the complainant dated 1st October, 2016. Considering the nature of complaint that has been lodged, I do not find that further detention of the applicant is warranted prior to the trial.

6. Accordingly, following order is passed :-

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(i) The applicant be released on bail, with regard to his arrest in connection with Crime No. 229 of 2016 registered at Shirpur City Police Station, District Dhule for offences punishable under Sections 143, 147, 148, 149, 325, and 395 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

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

(iii) The applicant shall attend the concerned police station as and when directed by the Investigating Officer.

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

(A.S. CHANDURKAR, J.)