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

CRIMINAL APPLICATION NO.6295 OF 2016

Bhagwan s/o Vishnu Gaikwad
Age: 35 years, Occ: Labour,
R/o. Avinash Colony, Waluj,
Tq. Gangapur, Dist. Aurangabad. ..APPLICANT

VERSUS

The State of Maharashtra
Through P.S. Sillegaon,
Tq. Gangapur, Dist. Aurangabad. ..RESPONDENT

Mr P.F. Patni, Advocate for applicant;
Mr V.S. Badakh, Addl. Public Prosecutor for
respondents

CORAM : A.S. CHANDURKAR, J.

DATE : 15th DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on 24th October, 2016 in connection with Crime No. I-131 of 2015 registered with Sillegaon Police Station, Taluka Gangapur, District Aurangabad, for the offences punishable under Sections 399, 402 of the Indian Penal Code, seeks his release on bail.

2. As per the first information report, about

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six persons in preparation of committing dacoity were noticed by the patrolling party on 27th July, 2015. These persons were sitting in the car and the patrolling party asked them to stop. Four of them were arrested on the spot, while the applicant and another managed to flee.

3. It is submitted by the learned Counsel for the applicant that after arrest of the applicant, supplementary charge sheet has been filed. There is no recovery effected from the applicant and all other arrested accused stand released on bail. It is submitted that in view of these circumstances and considering the fact that the applicant has been arrested on suspicion, he be released on bail.

4. The application is opposed by the learned Additional Public Prosecutor by relying upon the order passed by the learned Sessions Judge. It is submitted that the applicant was absconding for considerable time and hence, he is not entitled for grant of bail.

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5. Perused the supplementary charge sheet. By the order dated 6th January, 2016 in Criminal Application No. 6307 of 2015, the accused Nos. 1 to 3 have been released on bail. There has been no recovery effected from the present applicant. Considering the fact that the supplementary charge sheet has already been filed, he can be released on bail by imposing conditions.

6. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No. I-131 of 2015 registered with Sillegaon Police Station, Taluka Gangapur, District Aurangabad, for the offences punishable under Sections 399, 402 of the Indian Penal Code, on furnishing P.R. bond of Rs.15,000/-, with two sureties in the like amount.

(ii) The applicant shall attend the Court of

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learned Sessions Judge, Vaijapur on 23rd December, 2016 and thereafter as per the directions of the learned Sessions Judge.

(iii) Failure to abide by any conditions imposed by the Sessions Court would render the liberty being forfeited.

7. The observations made in this order are only for the purposes of deciding the present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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