

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

CRIMINAL APPLICATION NO.6495 OF 2016

Thakursing @ Manindarsing Gurumukh
Sikalkar ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri N.L. Choudhari, Advocate for applicant
Shri R.V. Dasalkar, A.P.P. for respondent
.....

WITH

CRIMINAL APPLICATION NO.6165 OF 2016

Dinesh s/o Hiralal Sonawane ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri P.B. Patil, Advocate for applicant
Shri R.V. Dasalkar, A.P.P. for respondent
.....

CORAM: A.S. CHANDURKAR, J.

DATED: 8th December, 2016.

ORAL ORDER :

1. Both the applicants have been arrested in connection with Crime No.208/2016, registered at Dhule Taluka Police

Station for the offence punishable under Sections 395 and 363 of the Indian Penal Code. These applications are being decided by this common order.

2. As per the report dated 19.7.2016, the Driver of a truck that was transporting maize from Kusumba to Surat, was stopped by a white Swift Car in the night of 17.7.2016. About 6 persons alighted from the said car and 2 persons boarded the truck. They forcibly took away the said truck along with the material that was being transported. On such report being given, the offence came to be registered. The applicant Dinesh was arrested on 19.7.2016 while the applicant Thakursing was arrested on 22.7.2016.

3. It is submitted by learned counsel for the applicants that, except general description of the accused given by the truck driver, there is nothing on record to connect the applicants with the aforesaid crime. They submitted that, both the applicants have been unnecessarily implicated. There is no recovery effected from either of the applicants nor has the test identification parade is held to identify them. They submitted that, the rest of the accused in the aforesaid crime have been released on bail.

4. The applications are opposed by learned Additional Public Prosecutor by relying upon the police papers. He submitted that, as per the statements of the hotel owner as well as owner of the truck in question the present applicants were arrested. The video footage at the toll booth indicates aforesaid truck passing the said way. It is, however, submitted from the record that no seizure has been effected from the present applicants and the truck and other material has been seized at the instance of other accused. It is submitted that, considering the gravity of the offence, the applications deserve to be dismissed.

5. Perused the papers along with charge sheet. The statement of one person namely Jitendrasing has been recorded, in which he stated that, on the previous day one person i.e. applicant Thakursing had come to have lunch at his hotel. The statements of other witnesses indicate that they have stated that if the accused are produced before them, they would be able to identify them. However, the test identification parade has not been held till date. There is nothing seized from the present applicants.

6. The record further indicates that, other accused – Arjun Bendwal, Bhatu Borkar, Sandip More and Pravin Pawar

have been released on bail by the Sessions Court. Insofar as the applicant Dinesh is concerned, it has been observed that, he has some antecedents. The record indicates that, insofar as accused Dinesh is concerned, one crime is stated to have been registered against him under the Arms Act along with 8 other accused in Madhya Pradesh. There are no antecedents insofar as applicant Thakursing is concerned.

7. Considering the the fact that the applicants are behind bars since July 2016 and the material on record that is presently in possession of the investigating officer, does not appear to be prima facie sufficient to connect the applicants with the aforesaid crime, they are entitled to be released on bail. On said count, the aspect of antecedents does not remain very significant.

8. In view of aforesaid, the applicants who have been arrested in connection with Crime No.208/2016, registered at Dhule Taluka Police Station for the offence punishable under Sections 395 and 363 of the Indian Penal Code, are directed to be released on bail on furnishing P.R. bond of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount by each of them.

9. The applicants shall attend the Court of Sessions, Dhule on 20th of every month and thereafter as per directions of the learned Sessions Judge. They shall not take any steps to tamper with the material collected by the investigating agency. They shall co-operate in completion of the trial.

10. It is made clear that the observations made in the present are only for the purpose of deciding the present applications.

11. Both the criminal applications are allowed and disposed of .

(A.S. CHANDURKAR, J.)

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