

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

CRIMINAL APPLICATION NO. 6754 OF 2015

Dadasaheb Babasaheb Thorat,
Age: 25 years, Occ: Agri.,
R/o. Dhorkin, Tq. Paithan,
District Aurangabad.

...Applicant

versus

The State of Maharashtra,
At the instance of Gangapur
Police Station, Aurangabad.

...Respondent

.....
Mr. A.K. Bhosale, Advocate for applicant
Mr. M.B. Bharaswadkar, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 21st JANUARY, 2016

ORAL ORDER :

The applicant is seeking pre-arrest bail in Crime No. I-214 of 2013 registered with Gangapur Police Station, District Aurangabad for the offence punishable under Sections 395, 353, 506 of the Indian Penal Code and under Section 21(1)(2)(3)(4)(5) of Mines Act.

2. It is the case of the applicant that his involvement in the incident is to the extent of riding of motorcycle, owner of which is already arrested and vehicle is seized from the custody of its registered owner. According to the applicant, since more than two

years, no investigation is initiated against him, even there are no proceedings declaring him as absconding.

3. Learned A.P.P., based on investigation papers, submits that the applicant is involved in the commission of crime.

4. Perused the investigation papers. It is no doubt true that offence is registered against unknown person riding motor cycle bearing registration No. MH-20-CL-1713, which has resulted into tracing identity of owner and accused person. There are no steps taken by the Investigating Officer against the applicant since more than two years for his arrest, which depicts that the Investigating Officer is not serious about custodial interrogation of the applicant, who is resident of Paithan Taluka, as is apparent from the investigation papers.

5. In that view of the matter, the application is allowed. Hence, the following order.

In the event of arrest, the applicant be released on bail, in connection with Crime No. I-214 of 2013 registered with Gangapur Police Station, District Aurangabad for the offence punishable under Sections 395, 353, 506 of the Indian Penal Code and under Section 21(1)(2)(3)(4)(5) of Mines Act, upon executing P.R. Bond of

Rs.15,000/- with one surety in the like amount. The applicant shall attend the concerned police station on 27th and 28th January, 2016 in between 10-00 a.m. to 12-00 noon and thereafter as and when called for by the investigating Officer.

6. The application stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/21.01.16