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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.495 OF 2016

Ganesh Hanmant Ghuge	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Daulat G Khamgar, for the Applicant.
Mrs. Veera Shinde, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 25th JULY, 2016.

P.C. :

1. The applicant/accused, in Crime No.65 of 2016, for offence punishable under Sections 363, 364, 361-A, 394, 323, 504, 505, 506 read with 34 of the Indian Penal Code, registered with Faujdar Chawadi, Police Station, Solapur, by this application is seeking his release on bail, .
2. Heard the learned counsel for applicant/accused and the learned APP .
3. The learned APP opposed the application by submitting that applicant is convicted in Sessions Case No.276 of 2008, arising out of crime registered at Kurduwadi police Station. In the submission of learned APP, during the period when the applicant was released on parole, this crime is committed by him. According to learned APP, name of applicant is

figuring in the memorandum of statement of co-accused.

4. Perusal of chargesheet, it is seen that F.I.R. came to be lodged on 2.3.2015 by Jayeshkumar Sanga, who is owner of a firm by name Sanmitra Developers. According to the informant on 1.3.2015, he was called at Hotel Jangli by some person, who claims to have interest in purchase of plots. The informant further reported that at that place, he met four persons. Thereafter by Scorpio vehicle, all those persons took him to Khed. The Informant further stated that at Khed, he spent 1 to 1 ½ hour, with those persons and inspected several plots. Thereafter at about 5.15 p.m. on that day, when they were returning, those four persons assaulted him in the vehicle by pointing knife at him and injured him by stabbing a screw driver on his right thigh. He was tied up by nylon rope. The accused persons demanded money from him. They snatched gold ring and cash of Rs.1500/- from his pocket. By using his ATM card, they withdrew an amount of Rs.10,000-. His mouth and eyes were covered by handkerchief. The informant reported that during journey, vehicle was stopped at one place and by taking chance of the said situation, he run away and lodged report to police .

5. In the test identification parade conducted on 19.12.2015, the informant could not identify the present applicant. It is further contended that in the memorandum of the statement of co-accused, the name of

applicant is figuring, but that cannot be said to be a legal evidence against present applicant.

6. The parties are not at variance on the aspect that except this, there is no other evidence against present applicant. Considering this nature of evidence against the present applicant, though serious crime is alleged against him, he cannot be detained further in the jail. Therefore , following order:-

Order

- I) The application is allowed.
- II) The applicant arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.3,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
- IV) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- V) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]