

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

Criminal Application [BA] No.790 of 2016

(Shiv Ajabrao Daldale

vs.

State of Maharashtra, through P.S.O. Wadgaon Raod, Yavatmal)

=====

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

=====

Court's or Judge's Orders

Shri Anand Deshpande, Advocate for the Applicant.

Shri S.J. Kadu, A.P.P. for the Non-Applicant /State.

CORAM : S.B. SHUKRE, J.
DATE : 29th SEPTEMBER, 2016.

Heard the learned Counsel for the applicant and the
learned A.P.P. for the State.

Reply filed by the prosecution is taken on record. It
appears that the major part of investigation is already over. So
the question of custodial interrogation of the applicant at this
stage would not arise. It is true that previously two crimes have
been registered against this applicant, which relate to
dishonestly receiving stolen property under Section 411 of the
Indian Penal Code. But, the question is for how long, the
applicant can be kept in jail on an apprehension that if released
on bail, he may commit similar offences, and the answer would
have to be found out by making a reference to the maximum
punishment prescribed for the offence of theft punishable under
Section 379 of the Indian Penal Code which is of only three
years, out of which in the present crime the applicant has spent

a period of about 1½ months or so. It is also not known as to when the trial against this applicant would be completed in the scenario, where several other cases are pending before the Court of Judicial Magistrate. In this particular case, two co-accused of this applicant are absconding. In such a situation, I am of the view that it would not be in the interest of justice to keep the applicant in jail for any longer period. Hence, the order.

The application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond in the sum of Rs.15,000/- together with one solvent surety in the like sum on the conditions that he shall attend the court proceedings regularly on the dates fixed in the matter, shall co-operate with the trial Court in expeditious disposal of the case and shall not tamper with the prosecution witnesses.

The application is disposed of in these terms.

**sdw*

JUDGE

C E R T I F I C A T E

I certify that this order uploaded is a true and correct copy of the original signed order.

Uploaded by: S.D. Waghmare
P.A. to the Hon'ble Judge.

Uploaded on : 30/09/2016