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

CRIMINAL APPLICATION NO. 180 OF 2017

Sandeep s/o Sadashiv Bhalerao,
Age: 32 years, Occu: Agriculture,
R/o. Basmat Road, Parbhani,
District-Parbhani

..APPLICANT

VERSUS

State of Maharashtra,
Through Police Station Officer,
Hatta Police Station, Hatta,
District-Hingoli

..RESPONDENT

Mr S. S. Rath, Advocate for applicant;
Mr S. D. Ghayal, Addl. Public Prosecutor for respondent

CORAM : N. W. SAMBRE, J.

DATE : 23rd January, 2017

ORAL ORDER

Heard.

2. By this application under Section 438 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.100 of 2016, registered with Hatta police station, Hatta, District Hingoli, for an offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

3. At the outset, Mr Rath, learned Counsel appearing on behalf of the applicant, upon instructions, gives an undertaking before this Court that the

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applicant shall deposit an amount of Rs.2,00,000/- (Rupees Two Lakhs) with the Investigating Officer within a period of one week from today.

4. It is the case of the prosecution that the applicant has illegally and unauthorizedly withdrawn and stocked sand in land bearing Gat No.443, belonging to one Maroti Ramji Dhage.

5. It is upon evaluation, the amount to the tune of Rs.2,86,100/- has been levied against the applicant for the alleged act of illegal withdrawal and stocking of sand in land Gat No.443, owned by one Maroti Ramji Dhage.

6. As the amount involved in the offence is already secured, in my opinion, custodial interrogation of the applicant is not warranted. Subject to the undertaking given on behalf of the applicant, that the applicant shall deposit an amount of Rs.2,00,000/- (Rupees Two Lakhs) with the Investigating Officer within a period of one week from today, the present application needs to be allowed. In view thereof, I pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.100 of 2016, registered with Hatta police station, Hatta, District Hingoli, for an offence punishable under Section 379 read with Section 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.25,000/- with one or two sureties for the like amount.

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The applicant shall attend the Investigating Officer as and when called.

On failure of the applicant to deposit an amount of Rs.2,00,000/- with the Investigating Officer, within a period of one week from today, the instant order shall cease to operate automatically.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

amj