

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.219/2017

Devendra s/o Robert Kamble = **APPLICANT**

VERSUS

The State of Maharashtra = **RESPONDENT**

Mr.Satish A.Gaikwad, Advocate for Applicant;
Mr.SJ Salgare, APP for Respondent

CORAM : N.W.SAMBRE, J.

DATE : 6th February, 2017.

PER COURT :

1) The applicant is seeking regular bail in C.R.No.I-336/2016, registered at Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 420, 511 read with Section 34 of the Indian Penal Code and under sections 4 and 7 of the State Emblem of India Act, 2005.

2) Perused the investigation papers and other material.

3) There is a strong doubt as to whether the offence could be made punishable under Section 420 of the Indian Penal Code, as

necessary ingredients are not satisfied. So far as the offence under Sections 4 and 7 of the State Emblem of India Act, 2005 is concerned, the maximum punishment provided is of two years. As such, the further detention of the applicant is not warranted.

4) As such, the applicant be released on bail in C.R.No.I-336/2016, registered at Vaijapur Police Station, District Aurangabad, for the offences punishable under Sections 420, 511 read with Section 34 of the Indian Penal Code and under sections 4 and 7 of the State Emblem of India Act, 2005, upon furnishing PR Bond of Rs.15,000/- with one or two sureties in the like amount.

5) The applicant shall not influence the prosecution witnesses and shall not tamper with the prosecution evidence.

6) The Criminal Application stands allowed accordingly.

(N.W.SAMBRE, J.)

bdv/