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

CRIMINAL APPLICATION NO. 252 OF 2017

Narsing s/o Vishwasrao Nayak,
Age: 38 years, Occu: Agri. & Business,
R/o Risala Bazar, Hingoli,
Dist. Hingoli

..APPLICANT

VERSUS

The State of Maharashtra,
Through Hatta Police Station,
Tq. Basmath, Dist. Hingoli

..RESPONDENT

Mr S. S. Deshmukh, 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 Deshmukh, learned Counsel appearing on behalf of the applicant, upon instructions, gives an undertaking before this Court

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that the applicant shall deposit an amount of Rs.6,86,640/- (Rupees Six Lakhs Eighty Six Thousand Six Hundred Forty), as has been alleged against him, with the Investigating Officer within a period of two weeks from today. The undertaking is accepted.

4. Perusal of the record depicts that the applicant is the purchaser of sand ghats at various places for the year 2015-16. It is claimed that he has illegally withdrawn and stocked sand, resulting into registration of the crime in question.

5. Having regard to the fact that the applicant is sand ghat purchaser in an auction and for illegal withdrawal and stock of sand he has given an undertaking that he will deposit an amount of Rs.6,86,640/- with the Investigating Officer, within a period of two weeks from today and he is available for investigation, in my opinion, his custodial interrogation is not warranted.

6. In view thereof, the applicant is entitled to be released on bail. Hence, 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.

(3)

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

On failure of the applicant to deposit an amount of Rs.6,86,640/- with the Investigating Officer, within a period of two weeks from today, the instant order shall cease to operate automatically.

Criminal Application stands allowed in above terms.

(N. W. SAMBRE, J.)

amj