

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

CRIMINAL APPLICATION NO. 1086 OF 2017

Malhari s/o Pandharinath Gatkhal,
Age 50 years, Occu. Business,
R/o Ballaiudari, Taluka Igatpuri,
District Nashik.

..Applicant

Versus

The State of Maharashtra
through Gangapur Police Station,
District Aurangabad

..Respondent

Mr N.S. Ghanekar, Advocate for applicant
Mr R.V. Dasalkar, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 9th March 2017

PER COURT

Heard.

2. In C.R. No.436/2016, registered at Gangapur Police Station, District Aurangabad, for the offences punishable under Sections 395, 120-B of the Indian Penal Code, the applicant is seeking regular bail.

3. The applicant came to be arrested on 28th October 2016. The bail of the applicant is opposed by the learned Addl. Public Prosecutor on the ground that there are eye witnesses to the incident and recovery of vehicle.

4. The prosecution story as could be inferred that applicant came to the complainant for purchase of gold on concessional rate and accordingly at the place of incident he was robbed of the amount.

5. It is required to be noted that the applicant was subjected to custodial interrogation and his vehicle and mobile phone are recovered. So far as alleged cash is concerned, there is no recovery from the applicant.

6. In an offence under Section 302 of the Indian Penal Code, the applicant is already acquitted and apart therefrom there are no antecedents. The charge-sheet in the matter is already filed. In view thereof, the application needs to be allowed.

7. The applicant be released on bail in C.R. No.436/2016, registered at Gangapur Police Station, District Aurangabad, for the offences punishable under Sections 395, 120-B of the Indian Penal Code, upon furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

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

9. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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