

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

CRIMINAL APPLICATION NO. 1137 OF 2017

Ramchandra @ Chandrasing Amarsing Balai .. Applicant
Age. 42 years, Occ. Labour,
R/o. Shivnagar, Musakhedi,
Tq. & Dist. Indore.

Versus

The State of Maharashtra .. Respondent
Through Police Inspector,
Varangaon Police Station,
Tq. Bhusawal, Dist. Jalgaon.

Mr.Rahul Total h/f. Mr.B.M. Kate, Advocate for the
applicant.
Mr.R.V. Dasalkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : 07.04.2017

P.C. :-

1. This application is filed for bail. Both the sides are heard. Papers of investigation are made available for perusal of this Court, by the learned A.P.P.

2. The crime is registered on the basis of report of a police person that they had specific information that present applicant and his associates were intercepting vehicles, they were following vehicles and they were committing theft of the goods from the

transport vehicles by using particular modus operandi. There was information that if truck driver noticed such incident, the applicant used to give threat of life to the person and they used to rob the goods. As there was specific information, police went to the spot near Varangaon Ordinance Factory and they kept watch. They noticed the truck of present applicant and also noticed that there was one motor cycle in the truck which was taken down and two persons used that motor cycle and they started following one truck. The allegations are made that the person from the truck which was being transported by applicant tried to hold truck, cut rope and commit theft of the articles, but the police vehicle used siren and gave chase, due to that other persons ran away and present applicant remained in the truck and he came to be arrested.

3. The papers of investigation show that some names were given by the present applicant as his associates, but they were not traced. The applicant is behind the bar from 08.08.2016. In view of aforesaid circumstance, crime is registered for offences punishable under section 399, 402 read with 34 of the Indian Penal Code and under section 4/25 of the Indian Arms Act. The charge-sheet is filed against the present applicant, but other accused are shown as absconding accused. No attempt was made to

record statement of the driver of other vehicle from which, goods were to be looted. Thus, all witnesses will be police witnesses. This Court has taken care to ascertain that present applicant has permanent residence, on the basis of record verification is made.

i) In view of these circumstances, the application is allowed.

ii) The applicant be released on bail in connection with Crime No.55 of 2016 registered at Varangaon Police Station, Dist. Jalgaon for offences punishable under section 399, 402 read with section 34 of the Indian Penal Code and section 4/25 of the Indian Arms Act, on his furnishing P.B. & S.B. of Rs.50,000/- (Rupees Fifty Thousand).

iii. The applicant is not to tamper with the prosecution witnesses.

iv. The applicant is not to commit similar offence.

[T.V. NALAWADE, J.]