

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

CRIMINAL APPLICATION NO.1745 OF 2017

Gaffar Abdul Raheman Attar, ... **Applicant**
Age: 38 years, Occu: Labour,
R/o Mantri Galli, Maulana Azad
Chowk, Pathardi, Dist. Ahmednagar

VERSUS

The State of Maharashtra ... **Respondent**
Through Investigation Officer,
Khultabad Police Station, Dist.
Aurangabad

Mr. H. D. Deshmukh, Advocate for the applicant
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 16th June, 2017

ORDER:

1. Heard Mr. Deshmukh, learned counsel appearing for the applicant and Mr. Lokhande, learned APP for the State.

2. This application is filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No. I-151/2016, registered with Khultabad Police Station, District Aurangabad for the offences punishable under Sections 395, 397 and 506 of the Indian Penal Code.

3. It is contended that in the night intervening

29.09.2016 and 30.09.2016, at about 2.00 a.m., some unknown persons entered the house of the informant and they assaulted him and his father and committed dacoity kait of golden ornaments, two mobile handsets.

4. The present accused was arrested on 30.09.2016 and was remanded to MCR. Learned counsel for the applicant accused submits that the accused is behind for more than nine months and there was no specific role attributed to the preset applicant. He is a driver by profession and therefore he be released on bail.

5. Learned APP submits that there is recovery of ornaments at the instance of present applicant. The present applicant, alongwith others, were arrested by making Nakabandi at 4.00 a.m. On perusal of the record, it appears that location of mobile of the accused person indicated near the place of the incident. There is evidence of CCTV footage. Considering the fact that there is recovery of golden ornaments from the present applicant who was arrested early in the morning at 4.00 a.m. by making Nakabandi, there is no scope to infer that present petitioner is involved in false case. Learned APP further submits

that even after registration of crime, subsequently crime of similar nature was registered against the present applicant and in that case also charge sheet is filed.

6. Looking to the facts and circumstances of the case, the applicant is not entitled for bail. Hence the criminal application is rejected.

(K. L. WADANE, J.)

JPC