

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

CRIMINAL APPLICATION NO.2511 OF 2017

Lallusingh s/o Jilesingh Kalani ... **Applicant**
Age 26 years, Occu: Labour
R/o Gurugovindsingh Nagar,
New Jalna, Tq. & Dist. Jalna

VERSUS

The State of Maharashtra ... **Respondent**
Through Police Station Sailu,
District Parbhani

Mr. S. J. Salunke, Advocate for the applicant
Mr. S. B. Joshi, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 6th July, 2017

ORDER:

1. Heard Mr. Salunke, learned counsel for the applicant and Mr. S. B. Joshi, 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. 24/2017, registered with Sailu Police Station, District Parbhani for the offences punishable under Sections 397, 394, 506 of the Indian Penal Code.

3. The informant alleged that in the night intervening 28.01.2017 and 29.01.2017, four unknown persons committed robbery at his house and they have taken away ornaments, cash, and mobile handset, worth

Rs.1,04,200/- . The present applicant came to be arrested on 05.04.2017. He was in Police custody till 11.04.2017 and now he is in MCR.

4. Mr. Salunke, the learned counsel appearing for the applicant states that except recovery of one golden ring from the possession of the present applicant, nothing is recovered from him. According to Mr. Salunke, the ring has no special feature for identification. The learned counsel has referred to the communication by the Superintendent of District Court, Parbhani from which it reveals that one of the accused namely Gopisingh Kalnar has been released on regular bail in connection with the present crime i.e. Crime No. 24/2017. In such circumstance, he prayed to grant the bail. Learned APP submits that the offence committed by the present applicant is serious. There is recovery of stolen property and therefore his bail application be rejected.

5. According to the prosecution, weight of the stolen golden ring was 6 gms. However, from seizer panchanama, it appears that golden ring alleged to be recovered from the possession of the present applicant and its approximate weight was 5 gms. As per Muddemal

receipt, weight of golden ring is mentioned as 5 gms., which must be after weighing the golden ring.

6. On perusal of the description of the golden ring, no special features were attached to the golden ring so as to prima facie say that it was belonging to a particular person. Now, the investigation relating to the present applicant is completed. He was available for interrogation. There is recovery of the alleged stolen property at the instance of the present applicant. Therefore, further detention of the applicant is not necessary. Hence following order:

O R D E R

- i. The applicant shall be released on bail in connection with Crime No. 24/2017, registered with Sailu Police Station, District Parbhani, on his furnishing personal bond of Rs.15,000/- (Rupees Fifteen thousand only) with one solvent surety of like amount.
 - ii. The applicant shall not tamper with prosecution evidence in any manner.
7. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC