

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

CRIMINAL APPLICATION NO. 2571 OF 2017

Satish s/o Murlidhar Gaikwad ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. M.V.Salunke, advocate for the applicant

Mr. A.A.Jagatkar, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 7th JUNE, 2017

O R D E R :

Heard Mr. M.V.Salunke, learned counsel for the applicant and Mr. A.A.Jagatkar, learned A.P.P. for the respondent.

2. This is an application under Section 439 of Criminal Procedure Code in connection with Crime No. 100 of 2017 registered at Bori police station, District Parbhani, for the offence punishable under Section 286 of the Indian Penal Code, under Section 5, 6 of the Explosive Substances Act and under Section 3 (1), 158/177 of the Motor Vehicles Act.

3. The offence is registered on the basis of complaint lodged by one Deepak Modiraj, Police Constable. It is alleged by the complainant that on 3.5.2017 at about 10.15 a.m. along with other police personnel he was proceeding in a jeep. At that time at about 12.00 noon they received secret information that explosive substance is being carried in a vehicle having no permit or license for carrying the same.

4. When they were proceeding they noticed one tractor going towards Nagthana phata. The complainant inquired with the applicant. They found 19 gelatin i.e. explosive substance in a trolley worth Rs. 1480/-. The complainant inquired with the applicant as to whether he is holding permit or license to carry such explosive substance, on which he told that he is not holding such license.

5. During investigation, the accused was arrested and explosive substance was seized.

6. Learned A.P.P. states that investigation is already over and only report of chemical

analysis is awaited.

7. Looking to the fact and circumstances of the case and nature of allegations, I am of the opinion that the police have interrogated the matter after arrest of the accused. Therefore, now further detention of the applicant is not necessary.

8. Hence following order.

(i) Application is allowed.

(ii) Applicant shall be released on bail in connection with Crime No. 100 of 2017 registered at Bori police station, District Parbhani, for the offence punishable under Section 286 of the Indian Penal Code, under Section 5, 6 of the Explosive Substances Act and under Section 3 (1), 158/177 of the Motor Vehicles Act on furnishing P.R. bond of Rs. 10,000/- with one surety in the like amount.

(iii) Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm/crap2571.17