

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

CRIMINAL APPLICATION NO. 2664 OF 2017

Kishor Jagannath Chavan (Purbhe) ... **Applicant**
Age 54, Occu: Agriculturist
R/o Maliwada, Dharangaon,
Tq. Dharangaon Dist. Jalgaon

VERSUS

The State of Maharashtra, ... **Respondent**
Through its Dharangaon Police
Station Dist. Dharangaon dist.
Jalgaon

Mr. Vijay B. Patil, Advocate for the applicant
Mr. A. A. Jagatkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 27th June, 2017

ORDER:

1. Heard Mr. Patil, learned counsel for the applicant and Mr. Jagatkar, learned APP for the State.

2. One Mr. Anil Bhagwan Nikam, Talathi of village Bilkheda Tq. Dharangaon lodged a report with Dharangaon Police Station that on 31.12.2016, he and his colleagues were on duty for search of illegal transport of sand and they found one Truck in Sanjay Nagar area illegally carrying sand. Thereafter, they immediately reported the said fact to Tahsildar, Dharangaon. At that time, one Nitin Bayas came there with unknown persons and they snatched mobile of the complainant

and beat him. On the basis of information given by the Informant, Crime No. 169/2016 came to be registered with Dharangaon Police Station Dist. Jalgaon for the offences punishable under Sections 394, 353, 332, 504 and 506 of the Indian Penal Code.

3. During the course of investigation, present applicant was arrested on 23rd May, 2017 and on the same day he was remanded to MCR.

4. The learned APP submits that investigation officer wants to recover three mobiles from the possession of the present applicant. It is very surprising to note that no police custody of the present applicant was granted to the Police and now he is in MCR. The learned APP further submits that 4th accused is still absconding.

5. It appears from the contents of the First information report and statements of the witnesses, it appears that main allegations are against one Nitin Bayas, who is already released on bail by the learned Additional Sessions Judge by order dated 18.01.2017. Looking to the grievance of the prosecution, it appears that no further detention of the present applicant is required. In such circumstance and the fact that main

accused is released on bail by the learned Additional Sessions Judge, the applicant is entitled for bail. Hence following order:

O R D E R

- i. The applicant shall be released on bail on his furnishing personal bond of Rs.10,000/-(Rupees ten thousand) with one solvent surety of like amount.
 - ii. The applicant shall not tamper with prosecution evidence in any manner.
6. Criminal application is disposed of.

(K. L. WADANE, J.)

JPC