

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

CRIMINAL APPLICATION NO. 2803 OF 2017

Santosh s/o Shivaji Gawande ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. A.S.Shejwal, advocate for the applicant

Mr. K.N.Lokhande, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 17th JULY, 2017

O R D E R :

Heard Mr. Shejwal, learned counsel appearing for the applicant and Mr. Lokhande, learned A.P.P. for the respondent.

2. The incident took place in the night between 16.1.2017 and 17.1.2017. The complainant was possessing bottles of country liquor in his truck and his destination was Amravati. He has contended that when truck was at Belgaon, Taluka Vaijapur, one motor cycle intercepted the truck. There were three persons on the motor cycle. When the truck was stopped, three persons boarded the

truck and pointing country pistol and knife they made the complainant to move away from the driving seat. The complainant was detained by tying his both limbs. Then Truck was taken from that place to a field. The driver and cleaner were robbed of mobile and cash amount and they took away the truck along with boxes containing country liquor. The value of liquor was around Rs.25 Lakh.

3. During investigation, the present applicant was arrested. One country made revolver and two cartridges were recovered from the possession of the present applicant. However, country liquor bottles were not recovered from possession of the present applicant nor he was identified in the T.I. parade.

4. Learned counsel appearing for the applicant submits that accused nos. 1 and 2 were released on bail by the learned Sessions Judge and accused nos. 3 and 4 were released on bail by this Court. Present applicant is accused no.5.

5. Allegations against present applicant and other accused persons are almost similar in

nature. The present applicant was not identified in the T.I. parade nor there was recovery of stolen articles from his possession. In view of above, present applicant is entitled for bail on the ground of parity.

6. Hence, the following order.

(i) Criminal Application is allowed.

(ii) Applicant shall be released on bail in connection with Crime No.23 of 2017, registered at police station Vaijapur, District Aurangabad, for the offence punishable under Section 395 of the Indian Penal Code and Section 3/25 of Arms act, on furnishing P.R. bond of Rs. 15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper with the evidence of prosecution in any manner and shall not leave Aurangabad District without prior permission of the learned Sessions Judge, Vaijapur.

7. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm