

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

CRIMINAL APPLICATION NO. 3052 OF 2017

Rajendra s/o Shriram Kalase, ... **Applicant**
Age 32 years, Occ. Labour, R/o.
Bank Colony, Ambajogai, Tq.
Ambajogai, District Beed.

V E R U S

- 1 The State of Maharashtra, ... **Respondents**
Through Assistant Police
Commissioner, Aurangabad.
- 2 The Osmanpura Police Station,
Aurangabad.

Mr. I. D. Maniyar, Advocate for the applicant
Mr. K. N. Lokhande, APP for the respondents/State.

CORAM : K. L. WADANE, J.

DATE : 3rd AUGUST, 2017

ORDER:

1. Heard Mr. Maniyar, learned counsel
appearing for the applicant and Mr. Lokhande,
learned APP appearing for the respondents-State.

2. The present applicant is seeking bail in
connection with Crime No. 257 of 2015 registered
with Osmanpura Police Station, District Aurangabad
for the offences punishable under section 458, 395
read with section 34 of the Indian Penal Code and

section 3(1)(ii), 3(2) 3(4) of MCOCA.

3. Mr. Maniyar, learned counsel submits that, there is absolutely no evidence against the present applicant. There is no recovery of any stolen property at the instance of the applicant. The applicant has not been identified by any of the witness.

4. Mr. Lokhande, learned APP submits that, there is no statement of any of the witness showing the involvement of the present applicant in the aforesaid crime. No recovery has been made at the instance of the applicant. The learned APP opposes the bail application only on the ground that earlier the applicant was arrested in similar offences and after released on bail again has committed such offences.

5. Looking to the submissions of the learned APP, I am of the opinion that, pendency of earlier crime is not a ground to refuse the bail. In the present matter, unless there is some material collected by the investigating officer, further

detention of the applicant is not necessary. Hence, following order.

O R D E R

(1) Application is allowed.

(2) Applicant shall be released on bail in connection with Crime No. 257/2015, registered with Osmanpura Aurangabad Police Station, District Aurangabad, on his executing P.R. Bond of Rs. 15,000/- [Rs. fifteen thousand only] with one solvent surety in the like amount.

(3) The applicant shall attend the police station Ambajogai once in a month i.e. on first Sunday between 12 a.m. to 2 noon, till conclusion of the trial.

6. Criminal applications are disposed of.

(K. L. WADANE, J.)

mkd/-