

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.178 OF 2017

Shubham @ Kedar s/o Bhaurao Meshram and anr

..VS..

The State of Maharashtra, through Police Station Officer, Railway Police Station
Pulgaon, District Wardha

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri R.M. Daga, Counsel for the applicants.
Shri S.S. Doifode, Addl.P.P. for the State.

CORAM : P.N. DESHMUKH, J.
DATED : MARCH 7, 2017.

This application is filed by co-accused involved in Crime No.1076 of 2016 registered for the offences punishable under Sections 392 and 395 read with Section 34 of the Indian Penal Code.

Heard learned counsel for the applicants and learned Additional Public Prosecutor.

Learned counsel for the applicants has submitted that there is absolutely no evidence connecting applicants with the present crime as according to report, same is lodged against unknown unpersons and as per say of prosecution on record also, no involvement of applicants is established. It is contended that co-accused Hansaraj Goyal, at whose instance part of looted property was recovered, is released under Section 169 of the Code of Criminal

Procedure. It is, therefore, prayed that since investigation is complete, application be allowed.

Learned Additional Public Prosecutor opposed the application as per reply on record and has submitted that though no names of applicants are in the report, which is against unknown persons, involvement of applicants is established as during the course of investigation one knife and two trucks came to be seized at the instance of applicant Nos.1 and 2 respectively. It is, therefore, contended that application be rejected.

Perusal of report reveals that same is lodged against four unknown persons, who are said to have looted complainant on the point of knife of his mobile, cash of Rs.12,250/-, and about 10 tonnes iron rods valued for Rs.3,13,250/-. Admittedly, from the report no involvement of applicants can said to be established.

From the say on record, prosecution has opposed the application stating therein that while complainant was on duty, one person arrived in the office of his company and on the point of knife extended threats where another person arrived and tied hands and legs of complainant, snatched his mobile-phone, and on removing keys from the person of complainant removed cash of Rs.2,250/- and left in the truck. From the reply placed on record, it does not reveal as to how much time was required by accused persons to load

10 tonnes of iron rods in the truck. It appears that co-accused No.7 Hansaraj Goyal, who is on bail, is alleged to have purchased stolen material who is subsequently released under Section 169 of the Code of Criminal Procedure. Thus, the only evidence which is available against applicants is of recovery of knife and two trucks as aforesaid. In the absence of other material, application is thus liable to be allowed as investigation is complete and charge-sheet is filed. Hence, the following order :

Application is allowed.

Applicants shall be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in the like amount.

While on bail, applicants shall mark their presence with Pulgaon Police Station, District Wardha once in three months on the first day of each such month, pending Trial and shall not tamper with evidence in any manner.

Application stands disposed of accordingly.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 8/3/2017