

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

CRIMINAL APPLICATION (ABA) NO.153 OF 2017
(Nilesh Bhaurao Nitnaware vs. State of Maharashtra)

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

Shri G.B. Hemke, Advocate for applicant.
Shri A.V. Palshikar, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 22, 2017

By this criminal application, anticipatory bail is sought by applicant in Crime No.2910/2016 registered under Section 395 read with Section 34 of Indian Penal code.

Heard Shri Hemke, learned Counsel for applicant, and Shri Palshikar, learned Additional Public Prosecutor for respondent.

Shri Hemke, learned Counsel for applicant, has contended that from the report, involvement of applicant is only by way of his assaulting complainant by belt along with other five co-accused and not that he had looted amount from him. It is submitted that applicant is apprehending arrest merely because of his involvement as aforesaid and, therefore, application be allowed by imposing suitable conditions as charge-sheet is stated to be filed where applicant is shown as absconding.

Shri Palshikar, learned Additional Public Prosecutor has opposed the application as per reply and submitted that amount of Rs.15,000/- involved in this crime is yet to be recovered for which applicant's custodial interrogation is necessary.

Having considered facts as aforesaid, perusal of report reveals that on 25/11/2016 when complainant was passing through one ground, he was intercepted by five co-accused along with applicant. It is stated that co-accused Pradeep extended threats to him and gave a slap on his face when co-accused Deepak manhandled him. It is further stated that in the course of same transaction, co-accused Roshan joined above two co-accused and they removed amount of Rs.15,000/- and mobile phone valued for Rs.5000/- from pant pocket of complainant. Involvement of applicant along with co-accused Vishal is about their assaulting complainant by belt.

Having considered contents of report as aforesaid, prima facie it is found that applicant is not involved in dacoity and removing of Rs.15,000/- and mobile phone from complainant. In that view of the matter and since charge-sheet is filed, application is liable to be allowed as per order below :

In the event of arrest of applicant in Crime No.2910/2016, he shall be released on bail on his executing a P.R. bond in the sum of Rs.20,000/- with one surety in like amount. Applicant shall mark his presence with Police Station, MIDC, Nagpur on first day

of each month pending trial.

The criminal application is accordingly
allowed.

JUDGE

khj