

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

CRI. APPLICATION (BA) NO. 576 OF 2017

(GANESH DEVENDRA KAWALE...VS.. STATE OF MAH.THR.P.S.O., GOREGAON, DIST. GONDIA)

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

Court's or Judge's orders

Shri R.K.Tiwari, Advocate for Applicant.
Shri V.A.Thakare, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.
DATED : JULY 06, 2017.

Heard.

The applicant is arrested on 24th May, 2017 in connection with the crime registered for the offences punishable under Sections 341, 386 and 395 of the Indian Penal Code. The crime is registered against 8 persons on the accusations that the truck carrying male buffaloes owned by the complainant was stopped by unknown persons and they demanded Rs.1,70,000/- from the driver to release the vehicle and animals, one of the accused talked with the complainant on cellphone, the complainant reached to the spot, paid the amount of Rs.1,70,000/- and then the accused released the truck.

The applicant is arrested, as according to the Investigating Agency he is identified in test identification parade. According to the Investigating Agency, number plate of the vehicle (Mahendra Quanto) in which the accused came to the spot is seized from the garage of the applicant.

The application is opposed on the ground that the investigation is in progress and three accused are still absconding. It is pointed out that the co-accused Rizwan had filed Criminal Application (ABA) No. 469 of 2017 which is withdrawn by him.

The learned advocate for the applicant has submitted that the applicant is running a garage and he is an income tax payer and there are no criminal antecedents and he is not involved in any other crime/ offence. It is pointed out that in the case of co-accused Rizwan, according to the Investigating Agency the Call Data Report showed that at the time of incident several calls were made by co-accused Rizwan to the complainant. It is argued that in the case of present applicant there are no such accusations showing *prima-facie* involvement of the applicant in the crime.

Considering the facts of the case, following order is passed:

The applicant having been arrested in connection with Crime No.94 of 2017, registered by the non-applicant, he be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand and furnishing one solvent surety in the like amount.

The applicant shall attend Police Station, Goregaon, District : Gondia on every Sunday between 11.00 a.m. and 1.00 p.m. till charge-sheet is filed.

The application is **allowed** in the above terms.

JUDGE