

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO.786/2017

Ashish s/o Mohan Panchbhai .vs.. State of Maharashtra thr. PSO P. S. Jaripatka, Nagpur.

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

Court's or Judge's orders.

Mr. S. N. Bawangade, Advocate for applicant.
Mr. R. S. Nayak, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 18, 2017

Heard learned counsel for the parties.

This is an application for releasing the applicant on bail since the applicant is arrested in connection with Crime No.351/2017 on the basis of the report lodged by one Mahendra Tripathi. As per the FIR, the complainant who is lecturer in Government Polytechnic College, Arvi came to visit his sister at Ayodhya Nagar, Nagpur. When he was in his car, near Teka Naka, Nagpur, one boy and one girl aged 25 years asked for lift. The request was accepted by the complainant. Thereafter the said boy and girl took the complainant to their house on the pretext of taking tea. As soon as the complainant entered the house, 5-6 persons snatched gold chain, ATM card and also obtained the PIN of the said ATM card and used the same to withdraw Rs.40,000/-

The applicant was arrested on 16.06.2017.

Though the matter is coming for the first time before this Court, the learned A.P.P. is ready with all the investigation papers and also filed reply, which is taken on

record. From the reply, it is clear that during the test identification parade, the complainant/victim failed to identify the present applicant. The allegations against the present applicant in the reply is that in his memorandum statement, he has confessed about the crime, which inadmissible in law. An amount of Rs.1500/- is also said to be recovered from his person.

With this type of evidence available against the present applicant, in my view, further incarceration of the present applicant in jail is unwarranted. Hence, following order is passed.

ORDER

- (i) Criminal Application No.786/20217 is allowed.
- (ii) The applicant-Ashish s/o Mohan Panchbhai be released on bail in connection with Crime No.351/2017, registered with Police Station, Jaripatka, Nagpur for an offence punishable under Sections 392 and 342 of the Indian Penal Code, on he executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station, Jaripatka once in a week i.e. on every Thursday between 3.00 p.m. to 5.00 p.m. till the filing of the charge-sheet.

The application stands disposed of accordingly.

JUDGE