

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

CRIMINAL APPLICATION (BA) NO.877/2017

Sagar s/o Dinesh Dwivedi

..vs..

The State of Maharashtra, thr. PSO PS Jaripatka, District Nagpur

.....
 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 applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 18, 2017.

1. Heard learned counsel Shri R.M. Daga for the applicant.

2. The applicant, who is arrested on 28.8.2017 in connection with Crime No.351 of 2017 registered with Police Station Jaripatka, Nagpur for the offences punishable under Sections 395 and 342 of the Indian Penal Code, is before this Court.

3. The first information report is lodged by Mahendra Shashidhar Tripathi.

4. As per the first information report, complainant Tripathi is a Lecturer in a Government Polytechnic College at Arvi. He came to Nagpur to visit his sister who resides at Ayodhya Nagar, Nagpur. When he was in his car, near Teka Naka, Nagpur, one boy and one girl, aged about 25 years, asked

him to give lift. The request was accepted by said Tripathi. Thereafter, said boy and girl took the complainant to their house on the pretext for taking Tea. According to the complainant, 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/-.

5. The investigation is over and the charge-sheet is already filed.

6. It is pointed out to me that during the course of the investigation, test identification parade was conducted by the investigating officer. It is also pointed out to me by learned counsel for the applicant and learned Additional Public Prosecutor for the State that the persons, who were identified in the test identification parade, are already released on bail by the Court below. Nothing is recovered from the present applicant. Though the applicant was there, the applicant was not put on the row for the test identification parade.

7. Thus, in my view, the applicant, who is in jail since 28.8.2017, need not continue his presence in the jail. That leads me to pass the following order:

ORDER

i) The criminal application is allowed.

ii) Applicant Sagar s/o Dinesh Dwivedi be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of the like amount in connection with Crime No.351 of 2017 registered with Police Station Jaripatka, Nagpur for the offences punishable under Sections 395 and 342 of the Indian Penal Code.

iii) The applicant shall attend the police station once in the month i.e. on every last Thursday of each month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

iv) With this, the criminal application is disposed.

JUDGE

!! BRW !!

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