

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 908 OF 2017

(Rohit S/o Shekhar Yeole and others..vs..The State of Maharashtra,
through PSO.PS.Khapa,District-Nagpur)

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

Court's or Judge's orders.

Shri C.R.Thakur, Advocate for applicants.

Shri M.J.Khan, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 27, 2017

This is an application for regular bail.

2] Heard learned counsel for applicants and
learned A.P.P. for State.

3] The applicants are arrested on 12/7/2017, in
connection with Crime No.151/2017, registered with
P.S.Khapa,District-Nagpur for the offence punishable
under Sections 143,147,447,427,201,504,506 of the
Indian Penal Code and also under Sections 395 and 436
of the Indian Penal Code and under Section 4/25 of the
Arms Act.

4] The F.I.R. is lodged on 12/7/2017 by one
Dulichand Baliram Neware, a truck driver. According to
complainant when he alongwith his truck was standing
in a que at Mouza Wakodi sand ghat in the intervening
night of 11/7/2017 five persons came in Scorpio vehicle,
alighted and started ransacking fixtures and they also set
ablaze huts and also damaged various trucks which were

standing on the sand ghat. The F.I.R. was lodged against the unidentified persons. The applicants are arrested on 12/7/2017.

5] The application for bail is mainly opposed by learned A.P.P. on the ground that the investigation is in progress and chargesheet is yet to be filed. However, in his fairness, he stated that from the investigation papers it is crystal clear that the investigation is over and only the act of filing of the chargesheet is remained to be done.

6] From the reply, it is clear that during the course of investigation test identification parade was conducted. None of the applicant was identified by the complainant. For the reason best known to the investigating officer the other truck owners were not called for identifying the present applicants in test identification parade. Be that as it may, except suspicion there is no other material against the present applicant. According to learned A.P.P. the suspicion against the present applicants is that they are having criminal antecedents at their discredit. The learned counsel for the applicants has submitted that the applicant no.1 is already acquitted from Crime No.21/2012, though other offences are pending. The criminal antecedents will be one of the considerations for deciding the bail application if in the crime in which the applicant is claiming bail is having any prima facie evidence against the present applicants. In the present case, it appears

that the applicants are arrested only on the suspicion. In that view of the matter, the applicants can be released on bail. However, the interest of the prosecution can also be secured by putting stringent conditions on each of the applicant. Hence, order.

ORDER

- I) Application is allowed.
- II) Applicant no.1 Rohit S/o Shekhar Yeole, applicant no.2 Prakash S/o Vinayak Thorat, applicant no.3 Prashant S/o Mukesh Ghodeswar and applicant no.4 Aman S/o Moreshwar Pande be released on bail in Crime No.151/2017, registered with P.S.Khapa,District-Nagpur for the offence punishable under Sections 143,147,447,427,201,504,506 of the Indian Penal Code ,under Sections 395 and 436 of the Indian Penal Code and under Section 4/25 of the Arms Act, on they executing P.B. of Rs. 25,000/- by each of them with two solvent sureties in the like amount by each of them.
- III) The applicants shall not enter into the territorial jurisdiction of P.S.Khapa,District-Nagpur till the culmination of the trial.
- IV) The applicants shall furnish their respective residential addresses at the time of execution of bail bonds to the learned Judicial Magistrate First Class,Saoner as well as to the investigating officer.
- V) The learned Judicial Magistrate First Class,Saoner before whom the bail bonds will be

executed after noticing the residential addresses where the applicants are intending to reside shall put a condition that each of the applicant shall attend the nearest police stations of their respective residence once in a week till the culmination of the trial.

The application is disposed of.

JUDGE

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