

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

CRIMINAL APPLICATION (BA) NO.1059 OF 2017

Rahul s/o Raju Nimje, R/o Indira Mata Nagar, Yashodharanagar, Nagpur

-vs-

State of Maharashtra, Thr. PSO, PS Panchpaoli, Dist. Nagpur

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

Court's or Judge's Orders.

Shri C. R. Thakur, Advocate for applicant.

Shri A. A. Madiwale, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 27, 2017

The applicant who has been arrested on 06/07/2017 in connection with Crime No.199/2017 registered at Police Station Panchpaoli, Dist. Nagpur for the offence punishable under Sections 394 and 34 of the Indian Penal Code seeks his release on bail.

As per the First Information Report dated 04/07/2017 when the informant was proceeding towards his jewellery shop he was caught by two persons. Some chilli powder was thrown in his eyes and his bag containing gold ornaments and cash was snatched away. The report came to be lodged. During investigation the applicant came to be arrested.

It is submitted on behalf of the applicant that though it is the case of the prosecution that ornaments worth Rs.26 lakhs came to be snatched along with cash of Rs.2 lakhs, only recovery from the present applicant is with regard to the cash amount. No Test Identification Parade has been conducted nor

have the gold ornaments been identified. It is further submitted that according to the prosecution the gold ornaments were discovered at the instance of accused No.1. It is then submitted that applicant has no antecedents. As the charge-sheet has been now filed, further detention of the applicant is not warranted.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that the cash which was snatched has been seized from the present applicant. Considering the seriousness of the offence, the applicant does not deserve to be enlarged on bail. There is also likelihood of witnesses being influenced.

Perused the First Information Report as well as the charge-sheet. The recovery effected from the present applicant is with regard to cash amount of Rs.2 lakhs. The statement of accused No.1 indicates that he had expressed inclination to discover the gold ornaments. The Test Identification Parade has not been conducted for identifying the applicant. As there are no antecedents and the charge-sheet has been filed in the present case, the applicant is entitled for being released on bail.

Accordingly the applicant Rahul s/o Raju Nimje who has been arrested on 06/07/2017 in connection with Crime No.199/2017 registered at Police Station Panchpaoli, Dist. Nagpur for the offence punishable under Sections 394 and 34 of the Indian Penal Code, is directed to be released on

bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

The applicant shall co-operate in completion of the trial and shall not influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

Pending misc. applications are also disposed of.

JUDGE