

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

CRIMINAL APPLICATION (BA) NO.1087/2016

Budharam S/o Daulat Sahare and others

..Vs..

State of Maharashtra, through Police Station, Korchi, Tah. Korchi, Distt.
Gadchiroli

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

Court's or Judge's orders

Shri R.D. Khade, Adv. for the applicant.
Shri A.M. Deshpande, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 8.6.2017.

Heard.

The applicants are arrested on 25th June, 2016 in crime registered against them for the offence punishable under Sections 395, 397 and 450 of the Indian Penal Code read with Section 5/28 of the Arms Act.

The Crime is registered against the applicants on complaint made by Lalita Walde that the applicants in presence of about 30 to 40 persons (naxalites) forcibly entered the house of the applicants, threw the belongings and took away Rs.4,65,000/- from the bag kept in the house of the complainant.

According to the complainant, the applicants possessed guns and gave blows by the butt of the gun.

The incident is alleged to have taken place on

22nd June, 2016. The complaint is lodged on 24th June, 2016. The investigating agency explained the delay by submitting that the complainant and her family members were taken away by the applicants to some spot from where the complainant returned later on and lodged the complaint. Be that as it may, the investigating agency has not referred the person / persons who are allegedly hit by the butt of the gun for medical inspection.

The charge-sheet is filed on 23rd September, 2016. The investigating agency has not been able to show that the custody of the applicants is required for further investigation. The applicants are not involved in any other crime / offences earlier.

Considering the facts of the case, in my view, the applicants are entitled to be released on bail.

Hence, the following order:

The applicants having been arrested in Crime No.22/2016 registered by the non-applicant, they be released on bail on furnishing P.R. bond for Rs.10,000/- (Rs. Ten Thousand) each and two solvent sureties in the like amount for each of the applicant.

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

JUDGE