

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

CRIMINAL APPLICATION (BA) 388 OF 2018

(Sanjay s/o. Ramsagar Netam..vs.. State, thr PSO, PS Kalamna)

*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, counsel for applicant.
Shri M.K. Pathan, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 2nd July, 2018.

Heard.

2 The applicant, who is a student and is of a relatively tender age of 20 years is in custody since 16.7.2017 in connection with Crime 387 of 2017 registered at Police Station Kalamna for offence punishable under section 392, 395, 120-B, 201 read with section 34 of the Indian Penal Code and section 3 of the Maharashtra Control of Organized Crime Act.

3 The investigation is complete and the chargesheet is filed. The applicant has no criminal antecedents. The learned APP Shri M.K. Pathan and the Investigation Officer have fairly pointed out to this Court that the only admissible material against the applicant is the confessional statements of the co-accused recorded under section 18 of the Maharashtra Control of Organized Crime Act.

4 The incident occurred on 17.6.2015 at 4.45 p.m. The cash of the Chhattisgad Urban Credit Cooperative Bank

which, two employees of the said bank were carrying to deposit in the Saraswat Bank, was snatched at the point of knife by three co-accused who according to the prosecution are members of an organized crime syndicate of which one Suraj Deshbhratar is the gang leader. The role attributed to the present applicant is that he alongwith one co-accused Kapil kept watch on the movement of the two employees of the Chhattisgad Urban Credit Cooperative Bank and relayed the information that the employees have left with the cash, to the other co-accused. The confessional statements of co-accused Ranjit, Sonu and Buddhu Telang reveal that the only role attributed to the present applicant that he was accompanying co-accused Kapil. While this is confirmed by co-accused Kapil, Kapil states that the applicant was not aware of the conspiracy or plot. In this view of the matter, the application shall have to be allowed.

5 The applicant be released be released on furnishing personal bond of Rs. 15,000/- with a solvent sureties of like amount.

6 The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

JUDGE

RSB