

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

CRIMINAL APPLICATION (BA) 476 OF 2018

(Balaji Gangadhar Waghmare ..vs.. State, thr PSO, PS Pusad (City))

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

Court's or Judge's orders.

Shri A.S. Deshpande, counsel for the applicant.
Shri V.A. Thakre, APP for State.

CORAM: ROHIT B. DEO, J.

DATE: 26th June, 2018.

Heard.

2 The applicant is arrested in Crime 74 of 2018 registered at Pusad Police Station for offence punishable under section 392 and 120-B of Indian Penal Code and sections 3, 4 and 25 of the Arms act. The only material against the applicant is said to be discovery and seizure of Rs. 75,000/- effected under section 27 of the Indian Evidence Act. I asked the learned APP Shri V.A. Thakre, whether there is any material to identify Rs. 75,000/- which was seized, as part of this present property. At least, at this stage, there is no such material. That apart, it is not even the case of the prosecution that the applicant was at the crime scene. Five co-accused who were at the crime scene are identified in the test identification parade. Applicant – accused is not one of these five who are identified.

3 I do not see any justification in continuing the incarceration of the applicant in custody. The application is allowed.

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

JUDGE

RSB