

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

CRIMINAL APPLICATION (BA) NO. 897/2018

Gurucharansingh S/o Sampurnasingh Gil
..VS..

The State of Maharashtra, Thru PSO, PS, Pusad City, Tah. Pusad, Dist. Yavatmal

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

Court's or Judge's orders

Shri A.M. Gedam, Advocate for the applicant
Shri N.B. Jawade, APP for the non-applicant/State

CORAM : Z.A.HAQ, J.

DATED : 08/10/2018

The applicant is arrested in connection with Crime No. 74/2018 registered by the non-applicant against six accused (including the applicant) for the offences punishable under Section 120B, Section 395 of the Indian Penal Code r/w Section 3 and Section 25 of the Indian Arms Act. The crime is registered on the complaint lodged by the informant that the applicant, alongwith three others, forced entry in the room in the lodge where the informant was staying, the accused had gun and knife, the accused threatened the informant and took away Rs. 2,84,000/- forcibly. Subsequently, according to the Investigating Agency, it was found that the robbery was of Rs. 5,70,000/-.

At the time of hearing, the learned APP has informed that Crime No. 74/2018 is registered against the applicant for the offences under the Indian Arms Act. It is further stated that any other crime/offence is not registered against the co-accused against whom the present FIR is registered alongwith the applicant.

The application is opposed on the ground that the applicant is resident of Nanded and the trial would be at Pusad and there is reason to believe that the applicant may not be available for the trial.

The investigation is complete and charge-sheet is filed. Except for the apprehension expressed by the Investigating Agency that the applicant may avoid attending the trial, the Investigating Agency has not been able to substantiate that further custody of the applicant is necessary.

Considering the facts of the case, the following order is passed:-

The applicant, having been arrested in connection with Crime No. 74/2018 registered by the non-applicant, he be released on bail on furnishing cash security of Rs. 50,000/- and two solvent sureties for Rs. 20,000/- each.

The learned advocate for the applicant, on instructions, has stated that out of the two solvent sureties, one solvent surety would be furnished by his real brother/Vicky Singh Gil. The submission made on behalf of the applicant is accepted and it is directed that out of the two solvent sureties, one solvent surety shall be furnished by Vicky Singh Gil.

The applicant shall attend the trial on every date unless granted exemption by the Sessions Court.

If the applicant fails to attend the trial on any date, the learned Sessions Judge may refer the matter for recalling of this order.

The cash security that would be deposited by the applicant shall be treated as Muddemal and orders regarding its disbursal shall be passed at the time of conclusion of the trial.

The application is allowed in the above terms.

JUDGE

Ansari