

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

CRIMINAL APPLICATION (BA) NO.1267/2017

Jahangeer Khan s/o Hafeez Khan

..vs..

State of Maharashtra, thr. PSO PS Lakadganj, Nagpur

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

Court's or Judge's Order

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Shri P.S. Jaiswal, Counsel for the applicant.

Shri V.A. Thakare, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 19, 2018.

1. Heard learned counsel Shri P.S. Jaiswal for the applicant and learned Additional Public Prosecutor Shri V.A. Thakare for the State.

2. The applicant was arrested in connection with Crime No.142/2017 registered with Police Station Lakadganj, Nagpur for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code.

3. The charge-sheet is already filed. Even according to the reply, when the applicant was present, he was not identified by the complainant in the test identification parade. The complainant only identified one Mohd. Ashraf @ Aiyya Mohd. Azam. The only material against the applicant is his memorandum statement under which Rs.6,200/- is seized from him.

4. Further, according to the prosecution, at the time of his arrest, one receipt of a Challan under Sections 130 and 177 of the Motor Vehicles Act, 1988 was seized in respect of vehicle bearing number MH-31/CX/108.

5. Today, during the course of submissions, learned Additional Public Prosecutor Shri V.A. Thakare for the State submitted that after filing of the charge-sheet, the police collected further evidence by which it could be said that the applicant has purchased one motorcycle i.e. MH-31/CX/0108 out of that looted amount. For that, he invited my attention to statement of Ranjeet Chauhan to buttress his point that the said vehicle MH-31/CX/0108 was purchased by the applicant from said Ranjeet.

6. Perusal of the statement of said Ranjeet shows that he sold his vehicle MH-31/CC/108 and not vehicle MH-31/CX/0108.

7. The registration plays a very important role in purchases and transfers of the vehicles.

8. When the charge-sheet is already filed and admittedly there are no criminal antecedents against the applicant, in view of the aforesaid type of evidence available, in my view, the applicant has made out a case for his release on bail. Consequently, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Jahangeer Khan s/o Hafeez Khan, be released on bail on his executing a P.R. Bond in the sum of Rs.50,000/- with two solvent sureties of the like amount, in connection with Crime No.142/2017 registered with Police Station Lakadganj, Nagpur for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code.

(c) The applicant shall attend the police station twice in a month i.e. on 1st and 3rd Tuesdays of every month from 3:00 p.m. to 5:00 p.m., till culmination of the Trial.

(d) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observation made in this order.

(e) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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