

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

CRIMINAL APPLICATION (BA) NO. 657 OF 2019

**(Krushna @ Chetan Bhaurao Deshmukh vs. State of Maharashtra Through PSO, P.S. Washim
City Dist. Washim)**

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

Court's or Judge's orders

Shri. S. K. Wankhede , Advocate for the applicant.
Shri. A. D. Sonak APP for non-applicant State

CORAM : Manish Pitale J
DATED : August 2, 2019

The applicant herein has approached this Court seeking bail as he was arrested on 07.05.2019 in connection with First Information Report (FIR) dated 06.05.2019 registered at Police Station Washim City District Washim.

(2) A perusal of the FIR shows that offence under Section 394 read with 34 of the Indian Penal Code (IPC) has been registered against unknown person. According to the complainant, while he was travelling with cash amounting to more than Rs.9,00,000/- along with Security Guard, the vehicle on which he was travelling was dashed by another vehicle and in that process the bag containing cash was stolen.

(3) The learned counsel for the applicant submits that the applicant is not named in the FIR and in fact it is registered against unknown person. There is nothing to connect the applicant with the incident in question, other than alleged statement made by a co-accused person regarding the involvement of the applicant. There are two other persons who are accused of being involved in the said incident.

(4) The learned APP has handed over reply, which is taken on record. A perusal of the reply shows that, other than the statement of co-accused, there appears to be nothing presently on record to connect the applicant with the incident in question. In fact, part of the cash amount seems to have been found in the possession of the co-accused and it is said to have been seized under a memorandum prepared under Section 27 of the Indian Evidence Act, 1872. The said memorandum was prepared on the statement made by the co-accused person.

(5) In view of the above, it becomes clear that presently there does not appear to be any material to connect the applicant with the incident in question. As long as the applicant is ready to co-operate with the investigation, he deserves to be enlarged on bail.

(6) Accordingly, the present application is allowed and the applicant is directed to be released on bail in Crime No.246/2019 registered at Police Station Washim City District Washim, on furnishing P.R.Bond of Rs.25000/- (Rupees Twenty Five Thousand) and a surety in the like amount. The applicant is directed to co-operate with the investigation and make himself available before the Investigating Officer as and when required. The applicant shall not tamper with the evidence or influence witnesses.

JUDGE