

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

CRIMINAL APPLICATION (BA) NO.45/2020

Amol s/o Rajesh Motghare

..VS..

State of Mah., thr. PSO PS Desaijanj, District Gadchiroli

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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 A.D.Ramteke, Counsel for the Applicant.

CORAM : V.M.DESHPANDE, J.

DATED : FEBRUARY 6, 2020.

1. This is an application for grant of bail. The applicant is arrested on 24.7.2019 in connection with Crime No.208/2019 registered with Desaijanj Police Station, Gadchiroli for offences punishable under Sections 341 and 395 of the Indian Penal Code.

2. Heard learned counsel Shri A.D.Ramteke for the applicant and learned Additional Public Prosecutor Shri M.K.Pathan for the State. Also, perused chargesheet.

3. Complainant Shiwaremdu Mangli, a resident of Shareef Nagar, Andhra Pradesh, a truck driver, lodged his report on 24.7.2019. As per the report, when he was returning along with his vehicle, having registration No.AP-21/TY/9393, loading in it article Iron Wires and when the truck was between Arjuni and Wadsa in intervening night of 23.7.2019 and 24.7.2019, one blue colour Maruti Suzuki chased and stopped the truck. As per the report, 5 persons

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alighted from the said Maruti Suzuki Car and out of them 2 persons climbed in cabin and pulled the driver and cleaner of the truck. Remaining 3 persons were standing near the truck. From statement of the first informant, two persons who climbed in the cabin of the truck took away Rs.16000/-.

4. In the First Information Report itself the truck driver specifically stated registration number of Maruti Suzuki Card i.e. MH-31/AH/7470. Taking clew from the said registration number of the car, Investigating Officer conducted investigation. Six persons were arrested including the applicant. Test Identification Parade was conducted 4.9.2019. Though in the Test Identification Parade the first informant identified some of accused persons, the applicant was not identified.

5. This Court in Criminal Application No.1152/2019 has already released one of co-accused on bail, who was also not identified by the complainant. The applicant is not having any past criminal record. Hence, in my view on the principle of parity, the applicant is also entitled to be released on bail. Consequently, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) Applicant-Amol s/o Rajesh Motghare, in connection with Crime No.208/2019 registered with Desaijanj Police Station, Gadchiroli for offences punishable under Sections 341 and

395 of the Indian Penal Code, be released on bail on his executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.

(3) The applicant is directed to attend the police station once in 3 month, till culmination of Trial.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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