

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

CRIMINAL APPLICATION (BA) NO. 142 OF 2020

(Gopal s/o Bhaurao Ingole, Chandrapur Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate for the applicant.
Mrs. H.N. Prabhu, A.P.P. for the non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Daga, learned counsel for the applicant and Mrs. Prabhu, learned A.P.P. for the non-applicant through Video Conferencing.

2. The applicant is said to be arrested on 01/09/2019 in connection with Crime No. 508/2019 dated 10/08/2019 registered at Police Station, Bhadravati, District Chandrapur for the offences punishable under Sections 379, 380, 381, 201 and 120(B) read with Section 34 of the Indian Penal Code.

3. The case of the prosecution is that an amount of Rs.22,84,100/- has been stolen from the Company ATM machine during the period between 02/08/2019 to 05/08/2019. The present applicant along with the co-accused, who are said to be the cash loading persons came to be arrested and the Investigating Officer had recovered an amount of Rs.4,37,000/- from the co-accused Nitin and

Rs.4,02,000/- from the present applicant through recovery panchanama.

4. Learned A.P.P. opposed the bail application mainly on the ground that the remaining amount is to be recovered from the present applicant and thus prayed for rejection of the bail application.

5. I have considered the aforesaid submissions.

6. At the outset, the applicant is in jail since more than eleven months. The prosecution could not point out any criminal antecedent against the present applicant. The investigation is completed and the chargesheet is also filed. The offences are triable by the Court of Magistrate.

7. Therefore, this Court is of the opinion that by keeping the applicant in jail could not serve the purpose of the prosecution of recovering the remaining amount.

8. Accordingly, I pass the following order :-

ORDER

- i) The Criminal Application is allowed.
- ii) The applicant be released on bail on his furnishing PR bond in the sum of Rs.30,000/- with one solvent surety in the like amount.
- iii) The applicant shall not in any manner tamper with the evidences.

9. The Criminal Application is disposed of accordingly.

10. This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit