

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 796 OF 2021

Ganesh S/o Kashinath Narwade

Applicant

Versus

The State of Maharashtra

Respondent

Mr. B.B. Waramaa, Advocate for the applicant.

Mr. S.P. Sonpawale, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 17th August, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No. 0199/2021 registered at Parola Police Station, Dist. Jalgaon for the offences punishable under Sections 392, 394 read with Section 34 of the Indian Penal Code.

2. Facts in brief are that the informant was travelling on motorcycle along with his friends Vilas Pawar and Vijay Pawar. He was carrying Rs. 10,000/- with him for being paid to his brother-in-law. He had parked his motorcycle below a tree to answer a phone call. At that very moment, applicant along with his two accomplices

came there. Applicant assaulted the informant and robbed him of Rs. 10,000/-. While leaving, applicant was caught hold of by the informant and his two friends. Two accomplices of the applicant ran away. The applicant was brought to the police station. Accordingly, First Information Report was lodged on the basis of which aforesaid offences came to be registered.

3. Heard Shri Waramaa, learned counsel for the applicant and Shri Sonpawale, learned APP for the State.

4. Shri Waramaa submits that charge-sheet has been filed. He submits that it appears from the charge-sheet that evidence of eye witnesses is contrary to what the informant has alleged in the First Information Report. He submits that no recovery is effected from the applicant. In this view of the matter, he prays that applicant be released on bail.

5. Learned APP submits that offence is serious in nature. The applicant had assaulted the informant and had committed theft of Rs. 10,000/-. Therefore, applicant should not be released on bail.

6. On perusal of the charge-sheet, it is seen that two eye witnesses have stated that applicant had robbed the informant of Rs. 10,000/-. However, during the time when he was being taken to the police station, he must have handed over this amount to someone else. It is further stated in the statements of these eye witnesses that on taking search, no amount was found in the possession of the applicant. In view of this, there appears substance in what learned counsel Shri Waramaa is submitting. In this view of the matter, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 20,000/- (Rs. Twenty Thousand only) with one solvent surety in the like amount, in connection with Crime No. 0199/2021 registered at Parola police station, Dist. Jalgaon, for the offences punishable under Sections 392, 394 read with Section 34 of the Indian Penal Code, on condition that he shall attend on all the dates fixed in the trial.
- iii) Application is disposed of.

(M. G. SEWLIKAR)
Judge