

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 881 OF 2021

Pradip Gulabrao Devtale

Applicant

Versus

The State of Maharashtra

Respondent

Mr. T.M. Shaikh with Mr. H.S. Kazi, Advocates for the applicant.
Mr. P.G. Borade, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 21st October, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.

2. It is the case of the prosecution that the informant is the driver of the truck. It was loaded with liquor which was to be delivered at Nanded. Accused Santosh Kharat and Yogesh Kharat had stopped the truck of the informant. Informant was asked by accused Yogesh to alight from the truck which the informant declined. Therefore, he was assaulted by accused Yogesh. Accused Yogesh said that he was the owner of liquor. Informant was forced to

alight from the truck and the truck was forcibly taken from possession of the informant. Accused Yogesh and Santosh did not deliver the goods at their destination. The goods consisted of 160 bottles of country liquor. Accordingly, offence under Sections 394, 120(B) and 412 read with Section 34 of the Indian Penal Code was registered against the applicant.

3. Offence came to be registered on 4th March, 2021, on the allegations that he is the receiver of the stolen property. Shri Shaikh, learned counsel for the applicant submits that there is no evidence to show that applicant is the receiver of the stolen property. Nothing has been brought on record to show that anything was recovered from the applicant. Only cash of Rs. 1,00,000/- was recovered.

4. Learned APP Shri Borade submits that the applicant was in contact with accused Yogesh and Santosh. Call Details Record indicate that all the three were in contact with each other. He submits that memorandum statement of accused Dhananjay Kale shows that country liquor was sold through the applicant. Except memorandum statement of accused Dhananjay Kale, there is no evidence to show that country liquor was sold through the applicant.

Charge-sheet is filed. Applicant has no criminal antecedents. He is not likely to flee from justice. In view of this, 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.25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount in connection with Crime No. 0076/2021 registered with Kopargaon Rural Police Station, Dist. Ahmednagar, for the offences punishable under Sections 394, 120(B), 412 read with Section 34 of the Indian Penal Code.
- iii) Application is disposed of.
- iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the Trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M. G. SEWLIKAR)
Judge