

Versus

State of Maharashtra ... Respondent

Mr. Ganesh Gole i/b Bhavin Jain, for the Applicant.

Mr. Ameet A. Palkar, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.

RESERVED ON : 26th October, 2021.

PRONOUNCED ON : 16th November, 2021.

PC:-

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. I-280 of 2020 registered with Yeola Taluka Police Station, District-Nashik for the offences punishable under Sections 394, 397, 341, 120B r/w 34 of the Indian Penal Code.

2 It is the case of prosecution that the informant is a goldsmith. On 01/10/2020, he had been to weekly market at Vikharni to sell the ornaments. While he was returning via Visapur, in a desolate place, a motorcycle came from behind. There were three unknown persons who

asked him to stop and made him fell down from his scooter. The prosecution alleges that they forcibly took away the bag containing gold ornaments and cash amount of Rs.25,000/-, worth Rs.1,30,000/-. The informant accordingly lodged the report.

3 Mr.Gole, learned Counsel for the applicant, submits that the recovery of gold ornaments etc. had already been done. Test identification parade is also carried out in which the applicant came to be duly identified by the informant. Investigation is over. The trial is not likely to be completed in the near future and therefore, no purpose will be served by keeping the applicant behind the bar. Learned Counsel then submits that the applicant be enlarged on bail.

4 Mr. Palkar, learned APP, on the other hand, submitted that the applicant has been duly identified in the test identification parade, besides there being recovery of gold ornaments. In such circumstances, appropriate order may be passed, submitted learned APP.

5 Perused the investigation papers.

6 I have gone through the memorandum of test identification

parade. It is apparent from the test identification parade that the applicant was duly identified by the informant. Moreover, the ornaments are also recovered. In view of this, there is no necessity of applicant to be kept him behind the bar. The trial may take its own time. In such circumstances, no useful purpose will be served by keeping the applicant behind the bar. In view of above, I am inclined to allow the application. Hence, the following order.

ORDER

- (i) Applicant- Satish Shivaji Mali shall be released on bail in C.R. No. I-280 of 2020 registered with Yeola Taluka Police Station, District-Nashik on his executing P .R. bond in the sum of Rs.25,000/- with one or more sureties in like amount.
- (ii) The applicant shall not tamper with the prosecution evidence and shall attend the trial regularly.
- (iii) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (iv) The application is allowed in the aforesaid terms.

(V. G. BISHT, J.)