

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4036 OF 2021**

Ashok Pandharinath Wagh	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Satyajeet P. Dighe, for the Applicant.

Smt. M. M. Deshmukh, APP, for the State-Respondent.

CORAM : V. G. BISHT, J.

RESERVED ON : 7th December, 2021.

PRONOUNCED ON : 20th December, 2021.

PC:-

. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in C.R. No. 335 of 2020 registered with Gangapur Police Station, District-Nashik, for the offences punishable under Sections 392, 411 r/w 34 of the Indian Penal Code (IPC).

2 It is the case of prosecution that on 30/09/2020 at about 9-00 p.m. while informant along with his wife was strolling after dinner on a road in front of Seven Street Cafe Hotel, two known persons came on a

motorcycle and pillion rider snatched gold chain worth Rs.50,000/- from the neck of informant's wife. The informant accordingly lodged the report.

3 Mr. Dighe, learned Counsel for the applicant, submits that the applicant has nothing to do with the alleged offence and it was accused No.5-Gopal Vishnu Gunjal, who had sold it to the applicant as he being a jeweller. Even otherwise, according to learned Counsel, offence under Section 411 of IPC is triable by Judicial Magistrate First Class (JMFC). Investigation is over and therefore, the applicant deserves to be enlarged on bail.

4 Smt. Deshmukh, learned APP, on the other hand, opposed the submissions by contending that there was recovery of gold of 250 grams from the applicant. The applicant is also facing number of cases. In such circumstances, there being no merit in the application, the same is liable to be rejected.

5 Perused the investigation papers. Admittedly, the applicant was not directly involved in the offence of robbery. At the most, he can be charged with Section 411 of IPC which entails punishment up to three

years and is triable by JMFC.

6 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- Ashok Pandharinath Wagh shall be released on bail in C.R. No. 335 of 2020 registered with Gangapur Police Station, District-Nashik, on his executing P .R. bond in the sum of Rs. 20,000/- with one or more sureties in like amount.

(ii) The applicant shall not tamper with the prosecution evidence.

(iii) Bail before the trial Court.

(iv) The application is allowed in the aforesaid terms and stands disposed of accordingly.

(V. G. BISHT, J.)

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL

Date: 2021.12.20
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Rekha Patil

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