

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

CRIMINAL APPLICATION (BA) NO. 49/2021
(Laxman s/o Bhagwat Chavan vs. State of Maharashtra: Th.PSO, PS
Malegaon, Dist. Washim)

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

Court's or Judge's order

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Mr. Deven Lambat, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 16th February, 2021

The applicant has filed the present Application under Section 439 of the Cr.P.C., seeking regular bail for offence punishable u/ss. 394, 397, 504, 506 r/ws. 34 of the Indian Penal Code, registered at Police Station Malegaon, Dist. Washim, in respect of Crime No. 558/2020.

2. I have heard learned counsel for the respective parties. Perused the case papers.

3. The prosecution case in brief is that the complainant-a Container-truck driver, has lodged the report on 11.12.2020 at about 4.30 pm, alleging that while he was driving the Container along with his helper, and was proceedings towards Indore from Nanded, near village Zodgaon, two persons came from the opposite direction on a motorcycle and stopped the same in front of the container. At the same time, one white colour car with two persons came and stopped in front of the container. The complainant told all of them to reach at the Petrol Pump and when the complainant reached there, all those four persons threatned

the complainant to hand over cash amount and abused him in a filthy language. They robbed a total of Rs. 2,000/- on the point of knife. The police also reached at that place. The complainant then narrated the incident to the police personnel and all the four accused persons were arrested and a report came to be lodged.

4. Learned Advocate for the applicant vehemently argued that the investigating agency has seized the amount as well as the motorcycle and the car and nothing is to be recovered from him. He submitted that the investigation is almost complete and the charge-sheet will be filed within a short period. In view thereof, custodial interrogation is not required as such. Moreover the allegation against the applicant is that he hurled abuses on the complainant-Driver.

5. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution, so also considering the nature of offence and the manner in which the incident had taken place and the fact that recovery is already made from the accused, I am of the opinion that the applicant can be released on bail by imposing certain conditions . Hence the order :-

ORDER:

The applicant Laxman s/o Bhagwat Chavan, be released on bail for offence punishable u/ss.394, 397, 504, 506 read with Sec.34 of the Indian Penal Code, registered at Police Station Malegaon, Dist. Washim, in respect of Crime No. 558/2020, on his executing a PR bond in the sum of Rs. 15,000/- (rupees fifteen thousand) with one or two solvent sureties in the like amount, on the following conditions :-

- (i) He shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till the trial commences.
- (ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

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