

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

Criminal Application (BA) No. 1064 of 2021

[Arun s/o Raghunath Shinde ..vs.. State of Maharashtra through PSO, Sindkhed Raja, Dist. Buldhana]

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

Court's or Judge's orders

Mr. N. D. Dawda and Mr. A. M. Jaltare, Advocates for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 28-10-2021

The applicant is one of the two accused, who are implicated in Crime 169/2021 for offence punishable under Sections 454, 457 and 380 of the Indian Penal Code which is registered with Police Station, Sindkhed Raja, Dist Buldhana on the basis of complaint lodged by Dadarao Vithoba Mandale.

2. The allegation is that Dadarao and his family left for Jalna on 25-6-2021 and handed over the keys of the house to Vishnu Ambhore. At 6.00 p.m. on 26-6-2021, Dadarao's niece informed him that the household items were in scattered condition and the terrace staircase door lock was broken.

3. Dadarao returned on 9.30 a.m. on 27-6-2021 and found cash of Rs. 46,900/- (Rupees Forty Six Thousand Nine Hundred), two ATM cards, bank passbooks, fixed deposit bonds and one gold ring missing.

4. The investigation is complete and the charge-sheet is filed. The first incriminating material, according to the prosecution version, is the recovery of two copper utensils from the accused. The learned counsel for the applicant points out that the copper utensils are not mentioned in the report. The statement of the witness who allegedly saw the accused on roof of Dadarao's house is that he inquired from the accused as to what he is up to and the candid response was that they have come to rob Dadarao's house.

5. Be that as it may, considering that the applicant has no criminal antecedent prior to the registration of the present crime, continued incarceration may not be appropriate. However, since the complainant is a neighbour and the witnesses are presumably intimately known to the complainant and the accused since

everybody resides in a small village, it would be appropriate if the applicant resides beyond the territorial limits of Village Palaskhed Chakka, Taluka Sindkhed Raja, District Buldhana, till the conclusion of the trial unless permitted to enter village by the trial Court for just and exceptional reasons.

6. The application is allowed.

7. The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount subject to the following conditions.

(a) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(b) Till the conclusion of the trial, the applicant shall not enter Village Palaskhed Chakka, Taluka Sindkhed Raja, District Buldhana unless permitted to do so by the trial Judge for just and exceptional reasons.

(c) During the pendency of the trial, the applicant shall not indulge in any criminal activity.

(d) The applicant shall not leave the country without the permission of the jurisdictional Court.

(e) It is made abundantly clear that any infringement of these conditions shall *ipso facto* result in cancellation of bail.

8. The application is disposed of in the aforestated terms.

JUDGE

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