

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1147 OF 2022

Rajkumar Madhavrao Pinate and Others

APPLICANTS

VERSUS

The State of Maharashtra and Others

RESPONDENTS

Mr. Satej S. Jadhav, Advocate for the applicants

Mr. N. T. Bhagat, APP for respondent - State

Mr. Sachin S. Panale, Advocate for respondent No.2

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 18th NOVEMBER, 2022

ORDER :

1. Applicant No.2 Sanjay Madhavrao Pinate apprehends his arrest in Crime No. 69 of 2022, registered with Gandhi Chowk Police Station, Latur under section 327, 447, 120B, 143, 147, 149, 323 and 504 of the Indian Penal Code.

2. It is the case of the prosecution that at the instance of the applicant and two other accused, the shop, owned by the informant was broken in the night and Articles from the shop were tried to be taken away by transport. The police reached in time and seized the tempos, furniture and other articles, so also the cutter and broken locks and arrested the persons who were

trying to transport the said articles.

3. Heard learned advocate for the applicant, learned Additional Public Prosecutor and learned advocate for respondent No.2. Perused the papers of investigation.

4. Admittedly, charge sheet is filed in the present case on 9th August, 2022 for the offence punishable under sections 143, 147, 149, 120B, 327, 447, 323, 504 of the Indian Penal Code against 12 accused persons, wherein the applicant is arrayed as accused No. 7. He is shown absconding in the charge sheet.

5. The applicant, by relying on the compromise about partition of the family property, entered into between the family members of the applicant and the informant, on 10th May, 2022, i.e. after registration of the crime, submits that the dispute between the applicant and the informant is already amicably settled, by way of said compromise.

6. Perusal of the investigation papers shows that the articles, which were tried to be stolen, are already seized by the police on the spot, at the time of the incident.

7. Though learned Additional Public Prosecutor submits that the CDR confirms that the applicant was in contact with the

persons, who were trying to transport the articles belonging to the informant, that by itself is not sufficient ground to deny protection to the applicant. As investigation is complete and charge sheet is filed, custodial detention of the applicant is not warranted in the facts of the present case.

8. In that view of the matter, the application of applicant No.2 Sanjay Madhavrao Pinate, is allowed, by confirming the interim order. The applicant shall attend the dates given by the Trial Court. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

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