

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 BAIL APPLICATION NO.1918 OF 2022

Dnyaneshwar S/o Ganesh Kolte
Age : 22 years, Occ : Labour,
R/o Roashangaon, Tq. Badnapur,
Dist. Jalna.

..APPLICANT

-VERSUS-

The State of Maharashtra
Through Police Officer,
Bidkin Police Station,
Tq. Paithan, Dist. Aurangabad

..RESPONDENT

...
Mr.P.P. More, advocate for applicant.
Mr.K.S. Patil, APP for the respondent/State.

...
CORAM : S.G. MEHARE, J.
DATE : DECEMBER 09, 2022

PER COURT :-

1. Heard learned counsel for the applicant and learned APP for the respondent/State.

2. Initially the report was lodged that the amount of Rs.5,58,000/- was robbed by unknown persons. Subsequently in the investigation it was transpired that the complainant, who was a driver of the truck and the applicant cleaner were involved in the crime. They have also been arraigned as accused. From this fact, it may be presumed that no incident of dacoity happened. Subsequently, the Investigation Officer applied

section 407 r/w 120-B of the Indian Penal Code in the crime. The applicant was not the clerk or the servant of the person, who was the owner of the money. At least no evidence as such is available on record. Since the complainant and other co-accused, who was cleaner have also arraigned in the crime, it would be difficult to accept the prosecution case that the present applicant has committed the offence as alleged. In the circumstances, the applicant deserve bail. Hence the order :-

ORDER

(i) The application is allowed.

ii) Applicant be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of the like amount, in C.R.No.0467/2022 registered on 02.10.2022 with Bidkin Police Station, Dist. Aurangabad for the offence punishable under section 392 r/w 34 of the Indian Penal Code subsequently under sections 395, 407, 120-B of the Indian Penal Code.

(S.G. MEHARE, J.)