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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1729 OF 2022

Rajkumar Madhavrao Pinate

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Rohit Patwardhan h/f Mr. S. S. Jadhav, Advocate for applicant
Mr. A. V. Deshmukh, APP for respondent - State
Mr. S. S. Panale, Advocate for respondent No.3

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 10th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in Crime No.69 of 2022 registered with Gandhi Chowk Police Station, Latur for offence punishable under sections 143, 147, 149, 120-B, 323, 327, 395, 447, 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 tempo, 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 for the State and learned advocate for respondent No.3. Perused the papers of investigation.

4. Admittedly, charge sheet is filed in present crime on 9th August, 2022 for 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. 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 the result, the application is allowed. In the event of arrest of the applicant in No.69 of 2022 registered with Gandhi Chowk Police Station, Latur for offence punishable under sections 143, 147, 149, 120-B, 323, 327, 395, 447, 504 of the Indian Penal Code, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE