

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

...

CRIMINAL APPLICATION (BA) No. 1240/2022

Raju s/o Eknath Chauhan

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS Asegaon, Tq.Mangrulpir,

Dist. Washim.

.. Respondent

.....
Mr. N.R.Mankar, Adv. for the applicant

Mr. A.M. Kadukar, APP for Respondent-State
.....

CORAM: ANIL L. PANSARE, J.

DATED : 19th January, 2023

PC:

Heard the learned counsel for the respective parties.

2. The applicant has been arrested in Crime No. 52/2022 registered at Police Station Asegaon, Tq.Mangrulpir, Dist.Washim for an offences punishable under sections 397 of the Indian Penal Code and Section 3 r/ws. 25 of the Indian Arms Act, 1959.

3. The allegation against the applicant is that he along with co-accused have committed robbery at Anandi Petrol Pump, situated at Mangrulpir-Washim Road. Further allegation against the applicant is that while committing robbery, the applicant and co-accused have used country made pistol and threatened to cause injury to the Gautam Khandare, (informant), who was working as an attendant at the said Petrol Pump. The accused have snatched the bag containing Rs. 14,000/-.

4. The learned Advocate for the applicant has invited my attention to the charge-sheet, to contend that the FIR has been registered against unknown persons. The prosecution has relied upon CCTV footage which indicates that the accused had covered their faces. The applicant was not subjected to the test identification parade. Thus, his identity is not established.

5. The learned APP, however, submits that the applicant and the co-accused have been involved in similar type of cases. He further submits that as many as four criminal cases are pending against the applicant.

6. It is well settled that merely on the basis of pendency of criminal cases, the persons like applicant cannot be kept behind bars unless there is some admissible evidence to show his complicity with the crime. There is no admissible evidence against the applicant. In the circumstances, merely on the basis of antecedents, the applicant cannot be incarcerated. The interest of prosecution, however, can be protected by putting the applicant to appropriate terms.

7. Needless to mention that the observations made in this order are only for deciding this Bail Application and the Court below shall not get influenced by it.

8. Hence the order :-

ORDER

(i) The Application is allowed.

(ii) The applicant-Raju s/o Eknath Chauhan, be released on bail, in connection with Crime No. 52/2022 registered with Police Station Asegaon, Tq, Mangrulpir, Dist.Washim for an offence punishable under

sections 397 of the IPC and Sec. 3 r/ws. 25 of the Indian Arms Act, 1959, on he furnishing PR. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

(iii) The Applicant shall not enter the territorial jurisdiction of Asegaon Police Station, Tq. Mangrulpur Dist. Washim, pending trial, except once for complying bail condition (viz. Condition iv).

(iv) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number (s) to the Investigating officer and the Court concerned, and shall not change the mobile number and the residence till the final disposal of the case.

(v) The applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.

(vi) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer.

(vii) The applicant shall not leave the territory of Washim District without prior permission of the Court, till the trial is over.

(viii) The applicant shall maintain law and order.

(ix) In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The Application is disposed of in the above terms.

[ANIL L. PANSARE, J.]

sahare