



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 990/2023

Ram Subhash Pawar V/s State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. C.R.Thakur, counsel for the applicant.

Mrs. Sneha Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/12/2023.

1. Present application is for seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No. 502/2023 registered with the Police Station Warora District Chandrapur for the offence punishable under Sections 380, 413, 454 read with Section 34 of the Indian Penal Code, 1860. The applicant is arrested on 29/06/2023 by Warora Police.

2. Learned counsel for the applicant submitted that acquisition against the present applicant is that on 28/06/2023 at about 4.30 to 5.00 p.m., some unknown persons committed the housebreaking and committed theft of golden ornaments worth of Rs. 5,95,500/- and cash amount of Rs. 70,000/-. The FIR is lodged against the unknown person. During the investigation, the names of the present applicants were

revealed. From the present applicant, one bentex necklace and the amount of Rs. 26,400/- is recovered.

3. Learned counsel for the applicant submitted that there are no criminal antecedents against the present applicant. Now, the investigation is completed and the charge sheet is filed. The amount is already recovered and as far as the golden ornaments are concerned, only the bentex necklace is recovered from the present applicant. He submitted that the present applicant is having permanent abode and is not involved in any other crime, considering the same, he be released on bail.

4. Learned APP strongly opposed the present application on the ground that the amount is recovered from the present applicant. There is prima-facie material, if the applicant is released on bail there is every likelihood that he may commit such type of offences and prays for rejection of the application.

5. Having heard learned counsel for the applicant and learned APP for the State. Perused the investigation papers. Admittedly, the FIR is lodged against the unknown person. During the investigation, the involvement of the present applicant is revealed. As far as the present applicant is concerned, one bentex necklace and some cash amount is already recovered

from him. The investigation is completed. There are no antecedents registered against him. Considering the same, criminal application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

- a] The criminal application is allowed.
- b] The applicant is released on bail in connection with Crime No. 502/2023 registered with the Police Station Warora District Chandrapur for the offences punishable under Sections 380, 413, 454 read with Section 34 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs. 25,000/- with one solvent surety of like amount.
- c] The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 01.00 p.m. till the conclusion of the trial.
- d] The applicant shall not involved in similar types of crime till disposal of this case.
- e] 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/her from disclosing such facts to the Court or any Police Officer.

- f] The applicant shall furnish his cell phone number and address with address proof.

[URMILA JOSHI-PHALKE, J]