



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

CRIMINAL APPLICATION (BA) NO. 895 OF 2024

Dipak s/o Gajanan Paighan
Vs.

State of Maharashtra, Through Police Station Officer, Railway Police
Station, Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. T. Harkare, Counsel for the applicant.
Mr. H. D. Dubey, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19 /10/2024

1. The applicant came to be arrested on 18.08.2024 in connection with Crime No.139/2024 on the basis of the report lodged by Pushpa Manoj Pal. It is alleged that when she was travelling by train No.12646 Millennium Express, Coach No.S-5 and the train halted before the Ballarshah Station due to chain pulling. At the relevant time, 5 to 8 unknown persons snatched her Handbag of golden colour in which there were 2 small purse. In one of the purse, she had cash of Rs.5,000/- and in another purse cash of Rs.3,000/-, her mobile phone of phone of Vivo Company model No. Y-125 and the same were snatched by the dacoits. On the basis of the said report, police have registered the crime against the unknown persons. During the investigation, the present applicant was arrested. One of the co-accused is still absconding.

2. Heard learned Counsel for the applicant who submitted that except the CDR report, there is no other material to connect the present applicant with the alleged offence. Nothing is recovered from him. As far as further incarceration is concerned, which is not required. There are no criminal antecedents also.

3. Learned APP strongly opposed the said application and submitted that the tower location shows the location of the present applicant at the relevant time near the spot of incident. Thus, considering the CDR reports which shows the connection between the present applicant with the other co-accused, the application deserves to be rejected.

4. After hearing the learned Counsel for the applicant and learned APP for the State, perused the entire investigation papers from which it reveals that there are no criminal antecedents. The applicant was arrested merely on the basis of suspicion, nothing was recovered from him. Except the CDR reports and tower location, there is no material to connect the present applicant with the alleged offence. In view of that, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

(i) Application is allowed.

(ii) The applicant **Dipak s/o Gajanan Paighan** shall be released on bail in connection with Crime No.139/2024 registered with Railway Police Station, Wardha for the offence punishable under Section 392 and 395 read with Section 34 of the Indian Penal Code, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the Wardha Railway Police Station once in a week on Sunday between 10.00 to 1.00 p.m., till filing of the charge-sheet.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall not indulge himself in similar type of the activities.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)