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37.ba.1139.1152.1149 & 1159.2023

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

CRIMINAL APPLICATION (BA) NO.1139 OF 2023

Suresh s/o Upasrao Telang

Vs.

State of Maharashtra, Through Police Station Officer, Bhadrawati, District Chandrapur
WITH

CRIMINAL APPLICATION (BA) NO.1149 OF 2023

Ranjan Maniram Kamble

Vs.

State of Maharashtra, Through Police Station Officer, Bhadrawati, District Chandrapur
WITH

CRIMINAL APPLICATION (BA) NO.1152 OF 2023

Jivan Suresh Gaikwad

Vs.

State of Maharashtra, Through Police Station Officer, Bhadrawati, District Chandrapur
WITH

CRIMINAL APPLICATION (BA) NO.1159 OF 2023

Parmeshwar Gangaram Chaugule

Vs.

State of Maharashtra, Through Police Station Officer, Bhadrawati, District Chandrapur

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

Court's or Judge's orders

Mr. M. V. Rai, Advocate for applicant in BA No.1139/2023.

Mr. A. R. Chutke, APP for respondent/State in BA No.1139/2023,1152/2023 and
1149/2023.

Mr. R. R. Vyas, Advocate for applicant in BA No.1152/2023, 1149/2023.

Mr. Anil A. Dhawas, Advocate for applicant in BA 1159/2023.

Mr. Abhijeet Mate, APP for respondent/State in BA 1159/2023.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 10/01/2024

1. All these applications are filed by the applicants for grant of bail under Section 439 of the Code of Criminal Procedure in connection with Crime

No.607/2023 registered with Police Station Bhadrawati, District Chandrapur for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code. All the applicants are arrested on 22.11.2023.

2. Learned Counsels for the applicants submitted that the accusation against the present applicants is on the basis of Gajanan Prabhakar Kshirsagar who is the Peon in the office of Tahsil Bhdrawati, who lodged the report with an allegation that on 7.11.2023 at about 10.00 a.m. a Truck bearing No.MH-31-M-3472 was seized by Talathi namely Prakash Gajbe and Shrikant Gite on the count that, the said Truck was illegally transporting two brass of rubble mineral and was kept in the premises of Tahsil Office, Bhadrawati. It is further alleged that the informant was on duty at the relevant time and at about 5.30 a.m. on 20.11.2023, the applicants came in the premises of the office of Tahsil on two motorcycle and on enquiry, they stated that said Truck is in a stationary condition and in order to charge the battery the Truck has to be started by giving ignition and on that count, they have started the Truck and fled away from the spot i.e. Tahsil Office wherein the said Truck was stationed. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsels for the applicants submitted that the rubble mineral stored in the Truck is wroth of Rs.5,000/- and Truck is worth of Rs. 4,00,000/-.

The theft amount is meager, moreover the said mineral already seized by the police.

4. Learned Counsel Mr. Vyas submitted that except the Jivan Suresh Gaikwad, there are no criminal antecedents against the other applicants. Now, investigation is practically completed and further incarceration of the present applicants is not required. In view of that, they be released on bail.

5. Learned Counsel Mr. Dhawas and Mr. Rai endorsed the same contention.

6. Per contra, learned APP strongly opposed the application on the ground that the mineral was stolen by the present applicants and not only stolen but after seized of the same, they have on the pretext of starting the Truck and fled away along with the Truck and thereby committed the serious offence and prays for rejection of the applications.

7. Having heard the learned Counsels for the applicants and learned APP for the State and perused the investigation papers. Admittedly, there are no criminal antecedents, except the applicant Jivan Suresh Gaikwad. The mineral i.e. rubble is already seized by the police. The Investigating Officer has already recorded the relevant statements of the witnesses. The applicants are behind bar since the date of arrest from 22.11.2023 i.e. for the sufficient period they were behind bar. Further incarceration of the applicants is not required. In view of

that, all the applications deserves to be allowed.
Accordingly, I proceed to pass following order.

ORDER

(i) The application Nos.1139/2023, 1152/2023, 1149/2023 and 1159/2023 are allowed.

(ii) The applicant **Suresh s/o Upasrao Telang** in Criminal Bail Application No.1139/2023, the applicant **Ranjan Maniram Kamble** in Criminal Bail Application No.1149/2023, the applicant **Jivan Suresh Gaikwad** in Criminal Bail Application No.1152/2023 and the applicant **Parmeshwar Gangaram Chaugule** in Criminal Bail Application No.1159/2023 are released on bail on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount, in connection with Crime No.607/2023 registered with Police Station Bhadrawati, District Chandrapur for the offence punishable under Section 379 read with Section 34 of the Indian Penal Code.

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

(iv) The applicants shall furnish their cell phone numbers and addresses with the address proof, before the Investigating Officer.

All the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)