

Order Below Ex.1 in B.A. No.29/2015 Yogesh...Vs..State.

This is an application u/s 439 Cr.P.C., for regular bail with connection to crime No.6/2015 registered at P.S.Nandura, Dist.Buldana, for the offences punishable u/s 398 IPC, section 3 / 25 Arms Act and section 5 of the Explosives Act 1908.

2.- The informant running Jewellery shop and residing on first floor of the shop lodged report on 11-1-2015 that between 8:15 to 8:30 p.m., 7 to 8 culprits, one of them being armed with Revolver tried to trespass in his house and when resisted by the complainant and his colleagues, they were beaten up by those culprits. Hearing shouting of the complainant, his wife has telephonically informed to the police. Meantime, one of the culprits caught hold by the complainant and his companions, whereas others have fled away. After arrival of the police, when personal search of the one culprit caught hold by the complainant, he was found in possession of one bottle containing highly inflammable liquid. The complainant has narrated pictorial description of the culprits to the police. Accordingly, aforesaid offence came to be registered. The applicant came to be arrested on suspicion on 17-1-2015. He was in PCR for 15 days.

3.- It is contended by the applicant that he is innocent. He has no criminal antecedents. Nothing came to be recovered at his instance. He is a student of first year and, therefore, he has prayed that he be released on bail.

4.- Shri A.D.Tandulkar, the learned APP for the State has opposed this application by his say at Ex.6. He has contended that the offence is of serious nature. The allegations against the applicant, are well

founded. The applicant has conspired commission of the crime and facilitated other co-accused in attempting to commit crime and also provided financial aid to other co-accused. Therefore, he has prayed that this is not a fit case, wherein bail should be granted.

5.- Heard. Perused the case diary. On perusal of the case diary, it would show that the role attributed to the present applicant is only to the extent that he is local resident of Nandura and he has given Rs.500/- to the co-accused. According to learned APP, the main culprit Rohit Yadav is still absconding. The test identification parade is yet to be conducted and, therefore, he has submitted that applicant is not at all entitled for the bail. On perusal of the case diary, it would show that the police have obtained PCR of the present applicant for full period of 15 days and, thereafter he is in MCR. However, till today police have not conducted any test identification parade. Needless to say, the applicant is a student and he was nabbed from the college. Under these circumstances, I am of the view that the custodial interrogation of the applicant is not necessary. He cannot be detained in jail merely because the main accused is absconding. In the circumstances, I am inclined to grant this application. Thus, the order.

Order

Application is allowed.

Applicant Yogesh Lakhansing Pimpre be released on bail on his executing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount with connection to crime No.6/2015 registered at P.S.Nandura, Dist.Buldana, for the offences punishable u/s 398 IPC, section 3 / 25 Arms Act and section 5 of the Explosives Act 1908 on the following conditions :

- I) He shall not tamper with the prosecution evidence and shall co-operate the I.O., in the investigation.
- II) He shall attend the police station as and when required by the police.

Sd/-

(Pramod L.Gajbhiye)

ASJ, Link Court, Malkapur

Dt/- 13-2-2015

I affirm that the contents of this P.D.F. file judgment are same word for word as per original judgment.

Name of Steno: Mohammad Shakil.

Name of Court: District Judge – 1 & ASJ,Buldana/Malkapur Link Court.

Dt/- 13-2-2015

