

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 936 OF 2015**

Sachin Hanumant Chavan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Abhijit B. Kadam for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 1st SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 48 of 2014 registered with the Tembhurni Police Station, Solapur, for the alleged offences punishable under Sections 395, 397 r/w 34 of the Indian Penal Code, 1870.

3. The incident in question has taken place on 13th March, 2014 at about 10:00 p.m. It is alleged by the complainant that when he was proceeding towards Urali Kanchan Choufula for purchasing live hens in a

vehicle bearing No. MH-44-8486, his vehicle was stopped by the persons sitting in a Maruti Swift car. It is alleged that four persons got down from the said Car and assaulted the complainant and his driver and took a sum of Rs. 10,150/- from them. Accordingly, a case was registered by the complainant Hakim Shaikh as against four unknown persons. In the said complaint, he has stated that he will be able to identify these unknown persons.

4. Learned Counsel for the applicant states that the applicant has been falsely implicated in the present case. He submits that in a similar case which took place on the same day, the applicant was charged under the MCOC Act. However, the learned Special Judge has enlarged the applicant on bail considering the merits of the case, by prima facie observing that it was doubtful that the applicant was a member of the organised crime syndicate and that there was no material evidence as against the applicant in the case. Learned Counsel further submits that there is no recovery at the instance of the applicant in the said case. He states that four other co-accused have been enlarged on bail.

5. Learned A.P.P opposes the bail application. She submits that there was a MCOC case registered as against the present applicant. She is unable to point out any incriminating material as against the applicant in the present C.R.

6. Perused the charge-sheet. Admittedly, the complaint/FIR has been lodged as against four unknown persons. Subsequently, in the supplementary statement dated 16th March, 2014, the complainant has alleged that there were five persons. In the identification parade, the applicant has not been identified nor is there any recovery at the instance of the applicant. Also perused the order enlarging the applicant in the MCOC Act case. Considering that there was no material on record, the learned Special Judge enlarged the applicants on bail in the said case. In view of what is stated above, the applicant is enlarged on bail in C.R No. 48 of 2014 registered with the Tembhurni Police Station, Solapur, on the following terms and conditions :

ORDER

- (i) The applicant be released on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;

- (ii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the case;
- (iii) The applicant shall attend the concerned Police Station once in a month on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (v) The applicant to cooperate with the conduct of the trial;
- (vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The aforesaid observations are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.