

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2646 OF 2014

Santosh Sopan Chikane ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.V.S. Talkute for the Applicant
Ms.Veera Shinde, APP, for Respondent – State

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 31, 2015**

P.C.:

1. this is an application for bail. The applicant/accused is prosecuted for the offences punishable under sections 395, 397, 120 B of the Indian Penal Code r/w section 3 (25) of the Arms Act. The offence is registered at C.R. No.67 of 2014 with Wai police station. The incident of dacoity has taken place on 2.6.2014 at 2040 hours when the complainant was proceeding to his residence. He was robbed by the applicant/accused and the co-accused. They took away cash of Rs.435,129/-, two cell phones and a gold chain. At the time of the incident, they dashed his car with their car and a revolver was pointed at him. He gave the information to the police. Pursuant to that, the police registered the offence against the applicant/accused and the co-accused. The applicant/accused was arrested on 8.7.2014. Hence, this application.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused was not known to the complainant. So the offence was registered against four unknown persons. He submitted that except the evidence of identification, there is no evidence against the applicant. There are no antecedents against him.

3. The learned Prosecutor while opposing the application, relied on the test identification parade report which was conducted on 21.7.2014 at the prison, Satara in which the informant Soorajnarayan Mohanlal Upadhye has identified the applicant/accused.

4. Perused the FIR and the documents produced before the Court except the identification at the test identification parade. There is no prima facie evidence against the applicant/accused. There are no criminal antecedents. There is no recovery at his instance and he is in jail since 8.7.2014. Considering all this, the bail application is granted on the following terms:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/-, with one or two sureties in the like amount;
- ii) The applicant shall not tamper with the evidence;

- iii) The applicant shall not indulge into any kind of offence while on bail;
 - iv) The applicant shall attend on all the Court dates.
5. Bail application is disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)