

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.261 OF 2015

Vishnu Madhav Khatkale ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.R.N. Gite for the Applicant
Mr.J.H. Ramugade, APP, for Respondent – State

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

DATE: **JUNE 30, 2015**

P.C.:

1. The applicant is facing prosecution under sections 341 and 395 of the Indian Penal Code in relation to C.R. No.I-33 of 2014 registered at Nandgaon police station. It is the case of the prosecution that the complainant Chunaram Ramaram Choudhary, who is a driver, was transporting 12 tonnes cotton in his truck on 16.2.2014. However, some persons came on a motor cycle and made him to stop the truck and then entered his cabin and at the point of knife, threatened and overpowered him and robbed him of Rs.15,000/- cash and a gold ring valued at Rs.15,000/- and drove that truck nearly for 50 to 60 kms. Then, the entire cotton in the truck was off-loaded and thereafter, they left him. The driver went to the police station. The value of the stolen cotton was nearly Rs.6 lacs and thus, there was theft of Rs.6,31,000/-. Pursuant to this

complaint, the police started investigation. They found the truck. They could also arrest the applicant and the co-accused. The co-accused and the present applicant/accused conspired and robbed the complainant of the money and also committed robbery of the cotton. There were similar instances of theft of truck loaded with cotton. The applicant/accused was arrested on 20.2.2014 and since then, he is in prison and hence, this application for bail.

2. The learned Counsel for the applicant/accused submitted that he has earlier moved one bail application bearing No.209 of 2014 which was rejected on 10.7.2014. However, the other co-accused who have played more active role in the robbery, were granted bail on 7.5.2014 and 10.7.2014. The bail application of the applicant/accused was rejected on the ground that there is no change of circumstance.

3. The learned Prosecutor has opposed the application.

4. Perused the FIR so also the orders granting bail to the co-accused by the learned Sessions Judge. There is an antecedent of similar type of offence of committing theft. So also, there is an antecedent of same offence against the co-accused, however, they were granted bail. Chargesheet is filed in this case. As per the submissions of the learned Counsel, the applicant/accused is having a permanent residence here.

5. Therefore, by applying parity, I grant bail to the present applicant/accused as well on the following conditions:

- i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.25,000/-, with one solvent surety 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.
- v) In the event the applicant changes his residence, he shall furnish the details thereof to the Investigating Officer.

6. Bail application stands disposed of accordingly.

(MRS.MRIDULA BHATKAR, J.)