

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.439 OF 2015

Raju Ramesh Patel .Applicant

v/s.

The State of Maharashtra .Respondent

WITH

BAIL APPLICATION NO.446 OF 2015

WITH

BAIL APPLICATION NO.637 OF 2015

Narayan alias Manish Savji Patel .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Niranjan Mundargi, Advocate, for the
Applicants in B.A.Nos.439 & 446 of 2015

Mr.Balkrishna Joshi a/w. Mr.Ganesh Mohite,
Advocate, for the Applicant in B.A.No.637 of
2015

Mrs.S.S.Kaushik, APP, for the Respondent – State
in all matters

CORAM : REVATI MOHITE DERE, J.

DATE : 24.08.2015

P.C.

. Heard learned counsel for the applicants and the learned APP for the respondent – State.

2. By these applications, the applicants seek their enlargement on bail in connection with C.R.No.113 of 2014 registered with the Talasari Police Station, Taluka – Palghar, District – Thane, for the alleged offences punishable under Section 395 of the Indian Penal Code, 1870.

3. The first informant, Mansaram Varma, the driver of the tempo carrying scrap copper wires has alleged that on 12.08.2014 the tempo in which he was carrying the said copper wires was intercepted by an Eeco car. He has alleged that some persons got down from the said vehicle

blind folded him and took him in the Eeco car. Thereafter, the copper wires were transferred from his tempo to another tempo. Accordingly, he lodged an FIR as against four unknown persons.

4. Learned counsel for the applicants submitted that although the FIR was lodged as against four unknown persons, the applicants have identified six persons in the Test Identification Parade held on 29.10.2014 i.e. almost two and half months from the date of the incident. Learned counsel for the applicants further submitted that no role has been assigned to the applicants by the complainant. As far as the applicant in B.A.No.439 of 2015 is concerned, there is an alleged recovery of tempo at his instance and as far as the applicant in B.A.No.637 of 2015 is concerned, there is recovery of copper wires at his instance from the godown of the accused No.3.

5. Learned APP opposed the bail applications. She submitted that as far as the applicant in B.A.No.637 of 2015 is concerned, there is a similar case registered as against him and that he was released in the said case on 12.02.2014. As far as the applicant in B.A.No.439 of 2015 is concerned, there are no antecedents as against him.

6. Perused the papers of investigation. Prima facie, it appears that although FIR has been specifically lodged as against four unknown persons, the complainant has identified six persons. No role has been set out by the complainant of the applicants. It is not the case that the applicants were amongst the said persons in the Ecco car. The Test Identification Parade has been held almost after two and half months i.e. on 07.09.2014 whereas the incident had taken place on 12.08.2014 and the applicants

were arrested on 15.08.2014. As far as the applicant in B.A.No.637 of 2015 is concerned, there appears to be a similar case registered against him. However, that by itself is not a ground to reject his bail.

7. Considering the material as it appears against the applicants, the applicants are enlarged on the following terms and conditions:

ORDER

(i) The applicants be released on bail in connection with 113 of 2014 registered with the Talasari Police Station, Taluka – Palghar, District – Thane, on executing P.R.Bond in the sum of Rs.50,000/- each with one or two solvent sureties in the like amount;

(ii) The applicants shall not tamper or attempt to contact the complainant or any witness concerned with the said case;

(iii) The applicants shall inform their latest place of residence and mobile number within one week after their release 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 Talasari Police Station;

(iv) The applicants to co-operate with the conduct of the trial and shall attend the trial Court on every date of the case;

(v) The applicants shall attend Talasari Police Station on the first Saturday of every month between 11.00 a.m. to 12.00 noon till the conclusion of the trial;

(vi) The applicants shall file an Affidavit that they will comply with the aforesaid condition Nos.(ii) to (iv) in the trial Court within two weeks of their release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be

at liberty to seek cancellation of the applicants' bail.

8. 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.

9. The Applications are allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)