

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 545 OF 2015

Prakash Nagesh Kumar	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. P.G. Sarda, Advocate for the applicant.
Ms. Veera Shinde, APP for the State.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 30th March, 2015.

P.C.

This is the third Bail Application. The applicant/accused is facing charges under section 395 of the Indian Penal Code, under section 4(25) of the Arms Act and section 37 (1) r/w. 135 of the Mumbai Police Act.

2. The incident of dacoity has taken place on 22nd March, 2013. The applicant/accused and co-accused robbed a motorcycle and a cash of Rs.500/- from the complainant and assaulted him. The complainant was shifted to the hospital. The applicant/accused was arrested on the same day and the motorcycle is recovered at his instance. Hence, this Bail Application.

3. By the detailed order passed on 9th January, 2014 this Court has rejected Criminal Bail Application No. 2045 of 2013. Thereafter second

Bail Application was moved and this Court on 1st December, 2014 while rejecting the application, considering the period of custody has directed the Sessions Court to commence and complete the trial at the earliest and so also further passed the order that in the event of trial being unduly delayed, then liberty is granted to the applicant to renew the prayer for bail as permissible in law. Hence, this Application

4. The applicant/accused is taken in custody in March, 2013. Since last two years he is in custody. There is one antecedent at his credit registered at C.R. No. 29 of 2013 at MIDC Bhosari Police Station, Pune. Since last two months the trial has not commenced and considering the nature of offence and the period spent in the custody, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- (i) The Application is allowed.
- (ii) The applicant/accused be enlarged on bail on furnishing P.R. Bond in a sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not tamper with the evidence.
- (iv) The applicant shall not indulge into any criminal activity much less the offence of robbery or dacoity.
- (v) The applicant/accused shall not pressurize the

complainant and other persons.

- (vi) The applicant/accused shall make himself available and attend all the Court dates.
- (vii) The applicant/accused shall not abscond and shall furnish his permanent address to the police along with address proof.
- (viii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
- (ix) The applicant/accused shall not leave India without the prior permission of the Court.

5. The Application stands disposed of on above terms.

(MRS. MRIDULA BHATKAR, J.)