

Anand

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

BAIL APPLICATION NO.742 OF 2015

1. Ramchandra Naresh Bharti .Applicants
2. Jalaluddin Mahamad Rajaz Manihar
3. Shatugan Naresh Bharti
4. Abdul Kayyum Mohammad Ali Shah

v/s.

The State of Maharashtra .Respondent

Mr.Usmani Abuqaiser Shabeehahmad, Advocate, for
the Applicants

Mrs.Veera Shinde, APP, for the Respondent –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 25.08.2015

P.C.

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

2. By this application, the applicants
seek their enlargement on bail in connection
with C.R.No.525 of 2014 registered with the
Chakan Police Station, Pune(Rural), for the

alleged offences punishable under Sections 341, 342, 395, 412 & 427 of the Indian Penal Code, 1870.

3. The incident in question has taken place on 31.10.2014. The complaint has been lodged by one Mr.Mohansingh Tulshiram Singh Rajput. He has alleged that on 31.10.2014 when he was discharging his duties as a security guard at Kishor Pump Pvt. Ltd. and was sitting with another security guard, 7-8 persons came there at about 3.40 a.m.. The said persons are alleged to have been armed with wooden log, sickle and iron rod. It is alleged that some of the accused assaulted them and threatened to kill them. The accused are alleged to have taken away 3 LCD monitors, 2 Laptops etc..

4. Learned counsel for the applicants states that there is no material as against the

applicants. He states that the applicants were arrested on suspicion on 12.11.2014. He further submits that neither the applicants have been identified in the Test Identification Parade nor is there any recovery of any article at their instance.

5. Learned APP on the instructions of the officer who is present in Court, does not dispute the facts that the applicants have not been identified in the Test Identification Parade and that there is no recovery at their instance. She submitted that as far as applicant No.1 is concerned, there are two C.Rs registered as against him, being C.R.Nos.35 of 2009 and 501 of 2010 registered with the Rabale Police Station, Navi Mumbai.

6. In the present case neither of the applicants have been identified nor is there any

recovery from the applicants.

7. Having regard to the peculiar facts of the case, the applicants are enlarged on bail on the following terms and conditions:

ORDER

(i) The applicants be released on bail in connection with C.R.No.525 of 2014 registered with the Chakan Police Station, Pune(Rural) on executing P.R.Bond in the sum of Rs.25,000/- 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 not leave Navi Mumbai, Thane and Mumbai without the prior permission of the trial Court, unless it is for attending the trial Court, on Court dates;

(iv) The applicants shall inform their latest place of residence and mobile numbers within one week of their release and/or if there is any change of residence or mobile details, from time to time, to the Court seized of the matter and to the Investigating Officer of the Chakan Police Station;

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

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

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

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)