

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.801 OF 2015

Tukaram Ramdas Kadekar and Another ... Applicants

vs.

The State of Maharashtra ... Respondent

Mr. Sudhir C. Holli i/b. Mr. Santosh Musale, for the Applicants.

Mr. S.S. Pednekar, APP for Respondent – State.

IO. Mr. D.B. Patil (PI), Chakan police station, present.

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

DATE: **JULY 14, 2015**

P.C.:

. The application is moved for bail. The applicants/accused are facing charges for the offences punishable under Sections 363, 395 and 420 of the Indian Penal Code in C.R. No. 484 of 2014 registered with Chakan police station, Pune.

2. One Vinayak Patil gave information to the police that on 12th October, 2014 when he along with his friend Mukesh More while they were walking on the road from village Khalumbre to Savardari, at about 10.45 p.m. when they reached near Hyundari Company, two persons arrived there on motor-cycle and they assaulted the informant and his friend. They snatched their cell phones and wallets.

Thereafter, they went away. The informant and his friend informed this incident to the security guard of Hyundari Company. It is the case of the informant that, when they again started walking towards village Savardari. It is the case of the complainant that, the persons who had robbed them, again arrived and told them that they should take out money from ATM and they forcibly made them to sit on their motor cycle. They were drunk. At that time, Mukesh More lost his balance and fell down and his knee was injured. At the same time, three persons came from the company and they stopped the robbers but the robbers ran away from the spot. It is the case of the informant that one of the persons from Hyundari Company arrived there, took photographs on the cell phone and gave number of motor cycle on which the robbers have arrived.

3. Pursuant to the information, the offence was registered and during the course of investigation, police nabbed the applicants/accused on 18th October, 2014. One Splender motor-cycle was recovered from the house of the applicant/accused Tukaram. The applicants/accused are in prison since then. Hence, this bail application.

4. The learned counsel for the applicants/accused has submitted that there is recovery of motor cycle from the house of applicant/accused Tukaram but nothing is recovered at the instance of applicant/accused Aakash. He submits that in the test identification parade no witness has identified either of the applicants. Therefore, they may be released on bail.

5. The learned prosecutor opposed the application. He submits that there is recovery of motor cycle at the instance of applicant/accused Tukaram. He further submitted that, the ATM cards were also found and seized from both the applicants/accused.

6. Perused the first information report, statements of the witnesses and other documents. It appears that, the investigating officer is negligent in carrying the investigation in this case. Though there is statement of the first informant that some persons arrived on the spot from the Hyundari Company and took photographs of robbers and the Splender motor cycle, *prima facie* it appears that no investigation is conducted by the police in this regard. Hence, I am inclined to grant bail to the applicants/accused.

7. Hence, I grant bail as under:
- a) The applicants/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 30,000/- (Thirty Thousand) each with one or two solvent surety/s in the like amount;
 - b) The applicants/accused shall cooperate with the investigating officer and shall attend the concerned police station once in a week on every Friday in between 4.00 pm to 6.00 pm.
 - c) The applicants/accused shall not pressurize the complainant or his family members or other witnesses.
 - d) The applicants/accused shall not tamper the prosecution evidence in any manner.
 - e) In the event of change of the residential address, the applicants/accused shall inform the concerned police station.
8. Bail application stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)