

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1206 OF 2015

Sandeep Sadashiv Tarlekar	... Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr. Kedar Jaysing Patil, Advocate for the applicant.
Mrs. R.V. Newton, Advocate for the respondent/State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JULY 15, 2015**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under sections 395, 504, 506 of the Indian Penal Code in C.R. No. 17 of 2015 at Shahapur Police Station, District Kolhapur.

2. It is the case of the prosecution that on 3rd February, 2015 when Tarachand Bharadwaj was proceeding at around 8.30 p.m. on his bicycle, he was stopped by six persons who were riding motorcycle. They started abusing him. They assaulted him and robbed his cellphone and an amount of Rs.10,000/-. He did not give complaint immediately out of fear but he gave complaint after 21 days, i.e. on 24th February, 2015. Pursuant to this FIR, the applicant/accused was arrested on 25th February, 2015. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that he

prays bail mainly on the ground of parity, as other two accused who were facing the same charges are released on bail on 13th April, 2015, however, his Application was rejected by the learned Sessions Judge on 11th June, 2015. The learned counsel submitted that recovery of cellphone and an amount of Rs.2,500/- are not under section 27 of Evidence Act and hence not admissible. There is only recovery of knife, which is false.

4. Learned APP opposed the Application and submitted that the learned Sessions Judge has rightly rejected the Application of the applicant mainly on the ground of recovery of knife under section 27 of Evidence Act and two cases are pending against him of similar nature. She submitted that there is identification of accused by the informant in Test Identification Parade.

5. Perused the FIR, statement of witnesses and other documentary evidence. There is delay in lodging FIR. The incident has taken place at 8.30 p.m. on 3rd February, 2015. Test Identification Parade was conducted thereafter on 31st March, 2015. Other two accused who are facing similar allegations are released on bail by the learned Sessions Judge. Considering the submissions of learned counsel for the applicant and the learned APP and also the evidence available before the Court, I am inclined to grant bail to the applicant/accused on the following terms and conditions:

ORDER

- i) The applicant shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount;
 - ii) The applicant shall not tamper with the evidence or pressurize the witnesses;
 - iii) The applicant shall not commit any such offence, while on bail;
 - (iv) The applicant shall make himself available and attend all Court dates;
 - (v) The applicant shall stay away from Shahapur and Hatkalangle for four months.
 - (vi) The applicant shall not abscond and furnish his address to the police along with address proof.
 - (vii) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.
 - (viii) The applicant shall not leave India without the prior permission of the Court.
6. The Application stands disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)