IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1363 of 2015

Chetan Bharat Kadekar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Uday Warunjikar i/b. Mr. Santosh S. Musale for the Applicant.
Mr. Rajesh More, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 2nd DECEMBER, 2015.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who is facing trail in R.C.C. No.31 of 2015 pending on the file of the learned Judicial Magistrate, First Class, Khed, District-Pune, for the offences punishable under sections 363, 395 and 402 of the IPC.

2. Mr. Warunjikar, the learned counsel for the Applicant has submitted that there is no prima facie material to show the involvement of the Applicant in committing the said crime. He has further stated that the co-accused has already been granted bail and

that the Applicant is entitled for bail on the ground of parity.

3. The learned APP submitted that bail application of one of the co-accused has been rejected on 4-9-2015. He has submitted that bail was granted to the other co-accused as he was not identified. He has submitted that the present Applicant was identified in T.I. Parade and therefore he is not entitled for grant of bail on the ground of parity.

4. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent-State. The records prima facie reveal that pursuant to the FIR dated 14th October, 2014 lodged by one Mr. Vinayak Bhiravnath Patil, crime No.484 of 2014 was registered against unknown persons. The complainant had stated that on 12th October, 2014 while he and his friend Mukesh More were walking on the road from village Khalumbre to Savardari at 10.45 p.m. some persons came on a motorcycle and assaulted him and his friend and snatched the wallet and his mobile phone worth Rs.5600/- approximately. It is pertinent to note that the Applicant is in custody since 20th October, 2014. Till date the said Mobile has not been recovered. Similarly no other material allegedly stolen has been

recovered from the Applicant. Thus, there is no prima facie material to link the Applicant to the crime. Considering the value of the stolen property, as well as the age of the Applicant and the nature of the allegations levelled against him, in my considered view the Applicant is entitled for bail.

5. Under the circumstances, the bail application is allowed on the following terms and conditions:-

(i) The Applicant is directed to be released on bail on furnishing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount to the satisfaction of the learned Judicial Magistrate, First Class, Khed.

(ii) The Applicant shall furnish his permanent address as well as temporary address, if any, to the Investigating Officer. The Investigating Officer shall verify the said address before the Applicant is released on bail.

(iii) The Applicant shall attend the hearing of the case before the learned Judicial Magistrate, First Class, Khed, on each and every date.

(ANUJA PRABHUDESSAI, J.)