

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2077 OF 2014

Maharaj @ Kapildev Chandrabau Dube
...Applicant
vs.
State of Maharashtra ...Respondent

Mrs. Anjali Patil, Advocate for the Applicant.
Mrs. A.A. Mane, APP for the State.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 04, 2015

P.C.

. Heard.

2. The learned APP has objected the prayer for bail against the accused No.1 in a charge sheet submitted vide C.R. No. 03 of 2014 by Boisar police station for himself along with other co-accused having committed offences under Sections 395, 397, 342 and 412 of Indian Penal Code on the ground that the applicant is from Uttar Pradesh, two cases for

commission of similar offences has been pending against him and in one case warrant has been already issued.

3. The Boisar police station has charge sheeted the applicant regarding an incident which had occurred on 04/01/2014 in which allegedly 7-8 persons during the night time has gathered in the premises of *Moon Light Company* and had threatened and assaulted the watchmen Rambahaddur and Indrajeet and robbed copper wire and other material of the value of Rs. 27.14 lacs.

4. Admittedly the investigation being complete, the learned APP was asked to point out the material against the applicant from the charge sheet. The learned APP was specifically asked whether the said watchmen had identified the applicant in T. I. Parade. The learned APP has replied that the charge sheet does not contain any

such material of T.I. Parade being held much a less applicant being identified in any such parade. Upon further query the learned APP further submitted that charge sheet also does not contain any other material in the shape of recovery of stolen property being effected at the behest of the applicant.

5. The learned APP was also not able to point out any other material for linking the applicant with the incident in question. Having regard to such character of the prosecution material against the applicant, merely pointing of two cases pending against the applicant of the incident which had occurred in the year 2010 and in which the applicant is said to have been released on bail, can not be said to be a good ground for negating the prayer for bail. The learned APP was not even able to tell the date on which the warrant was issued against the applicant and good reason for

which even so far today it is not executed except stating that since he is in jail it is not executed.

6. In the circumstances, the prayer for bail can not be negatived. The apprehension expressed by the learned APP that the applicant can not be available for the trial can be taken care of by seeking heavy bail and imposing proper conditions.

7. The application is allowed. The applicant is directed to be released on bail upon furnishing a P.R. Bond in sum of Rs. 1,00,000/- (One lac) with one or more sureties to make up the like amount and subject to the conditions that after release the applicant shall inform his place of abode to the investigating officer, attend the investigating officer on every Monday in between 11.00 am to 1.00 pm until further order, not indulge in any activity of tampering the prosecution evidence and/or not indulging in any activity of coercing, threatening

and pressuring the prosecution witnesses and not misuse the protection granted by this order for fleeing away or for any other oblique purpose.

Application stands disposed of.

(P.D. KODE, J.)