

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1812 OF 2015

Shekhar Kumar Vannar	..Applicant
-Versus-	
The State of Maharashtra	..Respondent

Mr.Hasanali E. Moman for applicant
Ms. S.D.Shinde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 5th December 2015.

P.C.

1] The applicant is seeking bail in C.R.No.212 of 2014 registered with Juhu police station under sections 457, 380, 511, 460 read with 34 IPC.

2] It is the case of the prosecution that on 17th June 2014 at about 2.30 a.m. the applicant along with other co-accused entered into the flat No.6 of Soni Building, D.J.Road, Vile Parle West, Mumbai 400 056 by breaking open its lock. When the applicant and other co-accused were trying to decamp with the articles from the said flat, the residents of the lower floor heard the noise and, therefore, they came out of their house. The complainant and her

father also came down from the stairs with a view to apprehend the said persons. Within few minutes initially two persons came down from the stair case who were followed by other two persons. When the father of the complainant tried to obstruct said two persons, one of them gave a blow with aid of wooden log to the father. The said persons thereafter escaped from taxi which was parked near the building.

3] After lodging FIR, the investigation is carried out and as of today it is completed and charge sheet is filed.

4] Learned Counsel for the applicant submitted that except the applicant being identified in the TIP, there is no other evidence against his client in the entire charge sheet. He further contended that though the applicant has been identified by the complainant in the TIP, no specific role or any other identification mark has been mentioned by the complainant before the Executive Magistrate.

5] Learned APP with fairness submitted that the contention raised by the learned Counsel for the applicant is true and correct. There is no specific role attributed to the present applicant except the fact that the applicant has been identified in TIP by the complainant.

6] In view of the above, I am inclined to release the applicant on bail.

Hence, following order:-

- (i) The applicant shall be released on bail in C.R.No.212 of 2014 registered with Juhu Police Station on P.R.Bond of Rs.25,000/- with one or two local solvent sureties in the lime amount;
- (ii) The applicant, after his release from jail, shall report to the I.O. once a fortnight on Monday between 10.00 a.m. and 12.00 noon;
- (iii) The applicant shall submit the documents pertaining to his residential address with I.O. and also with the trial court;
- (iv) The applicant shall not tamper with and/or influence the prosecution witnesses;
- (v) The application is allowed in the aforesaid terms;

(A.S.GADKARI, J)