

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2058 OF 2015

Sandeep Ramtilak Pande. ...Applicant.
vs.
The State of Maharashtra. ...Respondent.

Mr.R.R.Jaiswal i/by Ms. Asmita Jaiswal for the Applicant.
Mrs.P.P.Shinde, APP. for the State.

CORAM : A.S. GADKARI, J.
21th December, 2015.

P.C. :

The applicant is seeking bail in CR No.260/2015 registered with Bhandup Police Station, Mumbai under Section 394,397 read with 34 of the Indian Penal Code.

2) The first informant Mr. Shravan Singh has lodged FIR alleging that on 9.5.2015 at about 2.30 p.m. when he was proceeding to Usha Complex by path way near the motor cycle parking slot four persons were consuming liquor. The complainant was alone walking through the pathway from Usha Complex. The said four persons started chasing the applicant. Out of the four persons one person slapped the complainant and other three persons accosted him. One of the person thereafter took out mobile phone from the pocket of the complainant. Out of the said four persons one person gave a blow of the branch of the tree on the right hand of the complainant. After hearing the

shouts of the complainant, a couple residing in the adjoining hut came out for the rescue of the complainant. The persons robbing the complainant thereafter ran away. After completion of the investigation, the charge sheet is submitted by the police.

2) The learned counsel for the applicant submitted that as a matter of fact the applicant tried to rescue the victim from the clutches of the robbers however, he has been falsely implicated in the present crime. That, the complainant is an innocent person. He further submitted that the Trial Court has rejected the first application only on the ground that the applicant may tamper with the prosecution evidence.

3) The learned APP on the other hand submitted that the applicant is the person who took out the mobile from the pocket of the complainant. That, the said mobile phone of Samsung company is seized from the applicant at the time of arrest. She further submitted that the test identification parade is yet to be conducted and therefore, the applicant may not be released on bail.

4) At the outset, it is to be noted that the date of incident is 9.5.2015. The applicant was arrested on 17.5.2015 and till date the Investigating Officer has also not taken pains in conducting the identification parade. This shows the sincerity of the Investigating Officer in conducting the investigation in the crime. As the applicant till date has not been identified by the victim the investigating agency has

to thanks itself for the result of the same. As far as seizure of mobile phone is concerned, the charge sheet is silent about the identification panchanama of the said mobile by the complainant or any other witness.

5) In my considered opinion that the applicant has made out a case for his release on bail. Hence, the following order.

ORDER

- a) The applicant be released on bail in CR No.260/2015 registered with Bhandup Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) The applicant shall attend the Bhandup Police Station on every first Monday of the month between 10.00 a.m. to 12.00 noon. till conclusion of the trial.
- c) The applicant shall not tamper with the prosecution evidence and/or influence the prosecution witnesses.
- d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)