

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO.2371 OF 2014

1. Deepak Fulchand Vishwakarma
2. Pankaj Ravindra Rajbhar
3. Manoj Ramlagan Jaiswal Applicants
Vs.
State of Maharashtra Respondent

Mr. Munir Ahmed Kadir Chicktay for the
Applicants.
Mr. D.P. Adsule, APP, for the Respondent-
State.

CORAM: P.D. KODE, J.

DATED: JANUARY 28, 2015

P.C:

1. At the hearing of this application learned APP having submitted that he is withdrawing the statement made on 15-12-2014 that submitting reports of test identification parade directly to the Court is a routine matter, the application is heard with consent of both the parties.

2. By this application, accused Nos.2, 4 and 5 in the charge-sheet submitted by Thane Nagar Police Station in C.R. No.I-78 of 2014 against them and seven more accused persons for commission of offences under Sections 394, 395 and 397 r/w Section 34 of the IPC have prayed for bail.

3. Mr. Munir Ahmed Kadir Chicktay, learned counsel for the applicants, has submitted that he is not pressing the prayer for bail for charge-sheeted accused No.4 and is seeking liberty to renew the prayer for bail before the Court of Sessions on the point of parity in view of charge-sheeted accused No.1 being released on bail by the Court of Sessions. The learned counsel for the applicants has pressed the prayer for bail for charge-sheeted accused Nos.2 and 5 on the count

of there being no sufficient material to link them with the offences in question, in as much as both the persons involved in the dacoity have failed to identify them in the test identification parade and there is no further material for connecting them with said offences. The learned APP has fairly admitted said position of both said applicants being not identified at the test identification parade by the first informant and his friend Sunil. The remaining material against both the applicants is in the shape of discovery and seizure of cash amount from their own residences.

4. Having regard to it, the prayer for bail will deserve consideration on certain strict conditions considering the gravity of the accusations levelled against them.

5. The application of applicant No.2-

Pankaj Ravindra Rajbhar, i.e. of charge-sheeted accused No.4, stands disposed of as withdrawn with the liberty to renew the prayer for bail on the point of parity of the Court of Sessions having granted bail to the charge-sheeted accused No.1.

6. Applicant No.1-Deepak Fulchand Vishwakarma and applicant No.3-Manoj Ramlagan Jaiswal, i.e. charge-sheeted accused Nos.2 and 5 are hereby directed to be released on bail in the above said crime number upon each of them furnishing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh only) and subject to conditions that each of them after their release shall (i) stay at the address mentioned in the application and shall not change the same without permission of the Court; (ii) attend the I.O. on every Monday in between 5:00 p.m. to 7:00 p.m. until further

order; (iii) not indulge in activity of tampering, threatening, coercing, intimidating or pressurizing the prosecution witnesses in any manner; and (iv) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

7. The application accordingly stands disposed of.

(P.D. KODE, J.)