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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2469 OF 2015**

Siddheshwar Digambar Dhere

...Applicant

Versus

State of Maharashtra

...Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 2520 OF 2015**

Parmeshwar @Deva Nanasaheb Jadhav

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.Ritesh Thobde, for the Applicant in B.A. No.2469 of 2015

Mr.Shailesh Chavan i/b Mr.Milind Deshmukh, for the Applicant in B.A.No.2520 of 2015.

Mr. Arfan Sait, A.P.P for the Respondent-State

B.N.376 - S.E.Shelar, Tembhurni Police Station.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd MAY, 2016

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By these applications, the applicants seek their enlargement on bail in connection with C.R. No. 125 of 2015, registered with the

Tembhurni Police Station, Solapur for the alleged offences punishable under Sections 395 and 397 of the Indian Penal Code.

3. Both the aforesaid applications are being disposed of by a common order, since they arise out of the same C.R.

4. It is alleged by the complainant that on 26th June, 2015, he brought a truck loaded with chicken food from Devas (M.P) and on 28th June, 2015, he unloaded the said truck at Suguna Foods, MIDC, Miraj. He has further stated that after loading the truck with 400 bags of sugar from Chandpuri, the truck was proceeding to Indore, when the alleged incident took place. He has alleged that on 29th June, 2015 at about 6.00 p.m., while he was proceeding on Akulj-Tembhurni Road, six unknown persons intercepted his truck and threatened him at knife point and took away the truck along with sugar bags, his mobile phone and cash of Rs.5,000/-. Pursuant to the said incident, the aforesaid complaint was lodged.

5. Learned Counsel for the applicants submitted that in the present case, out of 6 accused, 4 accused have been enlarged on bail. They

submitted that although the applicants have been identified, there are no antecedents qua the Applicants. They submitted that the identification papers are not the part of the charge-sheet. They submitted that sugar bags have been recovered and the applicants are ready to abide by any of the conditions which may be imposed by this Court.

6. Learned APP submitted that the applicants have been identified in the identification parade and there is a recovery of cash against the applicants. He does not dispute the fact that there are no antecedents qua the Applicants.

7. Perused the papers. No doubt the applicants have been identified and there is recovery of cash at the instance of the applicants. However, considering the fact that investigation is complete and charge-sheet is filed and the fact that there are no antecedents, qua the present applicants, and the possibility of the trial commencing in the immediate future appears to be bleak, the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two local solvent sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iii) The applicants shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

- (v) The applicants to cooperate with the conduct of the trial;
 - (vi) An undertaking to the aforesaid clauses (ii) to (v) shall be filed by the Applicants, in the Trial Court, within two weeks after their release.
8. The Applications are allowed in the aforesaid terms and are accordingly disposed of.
9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.