

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION No.329 OF 2016

Tushar Shivaji Madane .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.V.R.Gaikwad, Advocate, for the Applicant
Mr.Y.M.Nakhwa, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 06.05.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks his enlargement on bail in connection with
C.R.No.134 of 2015 registered with the Dahivadi
Police Station, District – Satara, for the
alleged offences punishable under Sections 394,
452 r/w.34 of the Indian Penal Code.

3. According to the Complainant- Kumar Govind Potekar, who is the landlord, his tenant- Rambhavan Ramdeo Vishwakarma informed him, that at about 10.30 p.m. on 01.10.2015, four unknown persons came to his house with a sword and an iron rod and started assaulting him and three other tenants. It is alleged that the said four persons forcibly took four mobile handsets from them. Pursuant to the same, the landlord-Kumar Potekar, lodged a complaint as against four unknown persons. During the course of investigation, the Applicant was arrested.

4. Learned counsel for the Applicant submitted that there is no material to connect the Applicant with the alleged offences. He submitted that the Applicant has not been identified by any of the four witnesses. He submits that there is no recovery of any mobile handset at the instance of the Applicant. He also submits that the Applicant has no

antecedents.

5. Learned APP does not dispute the aforesaid.

6. Perused the papers. It appears that the Applicant has not been identified by any of the four witnesses and that there is no recovery at the instance of the Applicant. It also appears that there are no antecedents qua the Applicant. Investigation is complete and charge-sheet is filed.

7. Considering the aforesaid, the Applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the investigating officer of the Dahivadi Police Station, District – Satara on the 1st Saturday of every month between 10.00 a.m. and 11.00 a.m. initially for a period one year from the date of his release and thereafter every month till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his 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 applicant to cooperate with the conduct of the trial;

(vi) The Applicant shall file an undertaking in the trial Court with regard to Clause Nos.

(ii) to (v) within two weeks of his release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

8. The Application is allowed in the aforesaid terms and is 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.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)