

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.762 OF 2016**

- Mr.H.J.Dediya, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
DATE : 4th JULY, 2016

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No.I-159 of 2014, registered with the Badlapur (West) Police Station, for the alleged offences punishable under Sections 394, 395, 342 of the Indian Penal Code.
3. The incident in question has taken place on 7th November, 2014 at about 2.30 a.m. According to the complainant, some unknown persons

entered her house and committed robbery of valuable articles from her house. She has alleged that one of the valuable article was Micromax Canvas Doodle Mobile Tab. Pursuant to the said incident, the complainant – Charushila Karnik lodged the aforesaid complaint, alleging the aforesaid offences against unknown persons.

4. Learned Counsel for the applicants submits that there is no material to connect the applicants with the alleged offences. He submitted that no identification parade was held in the said case and neither is their any recovery of any article at the instance of the applicants. He submitted that co-accused – Keshavsingh Padmasingh Vishwakarma has been enlarged on bail by this Court (Coram:A.S.Gadkari,J.) vide order dated 8th January, 2016. He submitted that as against the said co-accused – Keshavsingh, there is recovery of Micromax mobile phone and as there was no IMEI number of the Mobile Tab mentioned in the complaint, co-accused – Keshavsingh was enlarged on bail.

5. Learned APP does not dispute the fact that no identification parade was held and that there is no recovery at the instance of the present

applicants.

6. Perused the papers. Investigation is complete and charge-sheet is filed. No identification parade was held nor is there any recovery at the instance of the applicants. It appears that the applicants along with co-accused - Keshavsingh were transferred from another C.R., in the present C.R.

7. Considering the material in the present C.R., the applicants are entitled to be enlarged on bail by imposing stringent conditions to secure the applicants' presence during trial, 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 Trial Court is hereby directed to verify the genuineness of the documents of sureties submitted by the applicants before releasing them on bail;

- (iii) The applicants shall attend the Badlapur (West) Police Station on every first Monday of the month between 11:00 a.m. to 1:00 p.m, till the conclusion of the trial;
- (iv) The applicants shall not tamper with prosecution evidence and/or influence the prosecution witnesses;
- (v) 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;
- (vi) The applicants to cooperate with the conduct of the trial;
- (vii) An undertaking to the aforesaid clauses (ii) to (vi) shall be filed by the Applicants, in the Trial Court, within two weeks of their release.

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.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.