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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.953 OF 2016

Nilesh @ Balaji Vibhule	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Ms. Chandarani V. Salave, I/by Vijay R. Pamnani,
for the Applicant.
Mr. Arfan Sait, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 12th AUGUST, 2016.

P.C. :

1. The applicant /accused, in crime No.282 of 2014, for the offences punishable under sections 454, 380, 411, 413 read with 34 of the Indian penal Code, registered at Police Station, Chinchwad, Pune, at the instance of Yujraj Vitthal Patil, by this application is praying for releasing him on bail.
2. Heard the learned counsel for the applicant/accused. She argued that though it is averred by the prosecution that there are several offences registered against the present applicant, he is not held to be guilty in the said offences. The applicant is not the main accused in the

crime. No direct allegations are made against him. The charge in this case is not yet framed and therefore, the applicant is entitled to be released on bail.

3. The learned APP opposed the application by contending that the offence alleged against the present applicant is serious and in the past he is stated to be involved in 17 similar offences at various police stations, in Pune.

4. Perused the chargesheet. The informant alleged that when he and his wife were out, his house was broken and theft of jewellery costing of Rs.94,000/- was committed. It is seen that the evidence against the present applicant is confessional statement of the co-accused. That confessional statement has resulted in the recovery.

5. Considering the nature of evidence against the present applicant, on filing of chargesheet, his pre-trial detention is not warranted. By imposing necessary conditions, care of alleged criminal antecedents of the applicant can be taken. Therefore, the following order.

Order

- I) The application is allowed.
- II) The applicant arrested in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- and on his furnishing surety in the like amount.
- III) The applicant shall not, directly or indirectly, make any

inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

IV) The applicant shall not tamper with the prosecution evidence in any manner and shall co-operate the learned trial Judge in expeditious disposal of the trial.

V) The applicant shall not repeat commission of similar type of offences in future. If breach of this condition happens, bail granted to the applicant shall be cancelled.

[A. M. BADAR, J.]