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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1432 OF 2016

Vikram nandu Bhilare

@ vicky Bihari

.... Applicant

V/s.

The State of Maharashtra

.... Respondent

Mr. Jayant J.Bardeskar, for the Applicant.

Mr. S.S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 20th JULY, 2016.

P.C. :

1. The applicant/accused, arrested in connection with Crime No.475 of 2014, registered with Pimpri Police Station, for offence punishable under Sections 394, 396, 397 read with 34 of the Indian Penal Code, by this application is praying for his release on bail, during pendency of the trial.

2. Heard the learned counsel for applicant. He argued that there is no iota of evidence against the present applicant except statement of the Investigating Officer that he had kept watch on the applicant transmitting information to co-accused. The learned counsel for

applicant submitted that the name of present applicant is figured only on the basis of statement of co-accused Arjun Choudhary as reflected from the letter of Assistant Police Sub Inspector, Hinjawadi Police Station.

3. The learned APP opposed the application by submitting that the test identification parade has been conducted, but he is not having memorandum thereof.

4. Perused the chargesheet. The informant Suresh Pehlani lodged report on 14.10.2014 with averment that when after closing his shop at about 8.40 to p.m. on 13.10.2014, he was proceeding towards his house with cash of Rs.2,00,000/-, Two unknown persons gave dash causing him to fall and subsequently those unknown persons robbed him of Rs. 2 lcs. It is reported that informant Suresh Pehlani died on 15.10.2014.

5. Perusal of statements of eye witnesses namely Arvind Shukla and Buddhavilas Karoria reveal that three persons came on the motorcycle and caused fall of the informant. The informant was then relieved of his cash by those persons.

6. The learned counsel for the applicant pointed out that the applicant is arraigned as accused No.2 in the chargesheet and the role attributed to him as reflected from the chargesheet is only keeping watch on the informant and supplying information of informant to co-accused.

This is not disputed by the learned APP. Prima facie the chargesheet does not contain any substantial evidence on this aspect. In this view of the matter, pre-trial detention of the applicant is not at all required. Hence following order.

Order

- I) The application is allowed.
- II) Applicant arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.5,000/- and on his furnishing one or two solvent sureties 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/accused shall furnish his residential address to the concerned police station as well as to the trial Court and he shall report change in his residential address from time to time accordingly.
- V) The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
- VI) The applicant shall not tamper with the prosecution evidence in any manner.

[A. M. BADAR, J.]