

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 152 OF 2017**

Sunil Changdeo Kobarne

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Aniket U. Nikam i/b Mr. Aashish Satpute for the Applicant

Ms. S. S. Kaushik, A.P.P for the Respondent-State

PC Mr. Sachin D. Gaikwad from Malegaon Taluka Police Station is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 185 of 2016 registered with the Malegaon Taluka Police Station, Nashik, for the alleged offences punishable under Sections 395, 397 of the Indian Penal Code.

3. Perused the papers. Yogesh Ramchandra Meena is the complainant. He has alleged that in the intervening night of 18th

September, 2016 and 20th September, 2016, when he was driving the truck, which was loaded with 16 tons of garlic, some unknown persons stopped the truck, threw chilli powder on his person and took away the truck along with some cash and articles.

4. According to the learned Counsel for the applicant, there is no material to connect the applicant with the alleged offence. He submitted that the only allegation against the applicant is that he sold two packets containing garlic in the market. He submitted that the applicant has no antecedents. Learned A.P.P does not dispute the said statement.

5. It appears that no identification parade has been held in the said case and hence, the complainant has not identified the applicant. There is no recovery of any garlic which was alleged to be stolen from the complainant. Neither does the applicant have any antecedents. The car which was seen near the house of the applicant is not stated to be that of the applicant. The only allegation against the applicant is that he sold garlic bags in the market.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
 - (ii) The applicant shall attend the concerned Police Station on the first Monday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;
 - (iii) The applicant shall not tamper with the evidence 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 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.
7. The application is accordingly disposed of.

8. 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.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.