

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

BAIL APPLICATION NO.289 OF 2017

Shri Ritesh @ Lonibaba Punamchand Salave ... Applicant

Vs.

The State of Maharashtra

.. Respondent

Mr.S.P. Thorat for the Applicant

Ms.Rutuja Ambekar, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 3, 2017

P.C. :

1. This application is moved by the applicant/accused for bail under section 439 of Criminal Procedure Code as the applicant/accused is facing charges under section 394 r/w section 34 of the Indian Penal Code in C.R. No.249 of 2016 registered with Karmala Police Station, District Solapur. It is registered on 13.6.2016 at the instance of one Rani Dadasaheb Jagdale. It is the case of the prosecution that Rani Jagdale and her family members were sleeping on the night of 12.6.2016 and at that time, four persons entered the house. They assaulted her, her husband and her in-laws. They took her Mangalsutra, ear rings of her mother in law and her daughter. They also took away cash of Rs.6,000/- from her mother in law. Thus, the robbery was committed of articles and valuables amounting to a total value of

Rs.56,000/-. Thereafter, the offence was registered against unknown persons. The applicant/accused was arrested on 6.12.2016 and hence, this Bail Application.

2. The learned Counsel for the applicant/accused has submitted that there is no evidence against the applicant/accused. He was arrested at the instance of the co-accused. There is no recovery. There is no Test Identification Parade and initially the offence was registered against four persons and the applicant/accused is subsequently shown as accused No.7.

3. Learned Prosecutor has submitted that four cases of robbery and dacoity are registered against the present applicant/accused. The name of the applicant/accused is mentioned by the co-accused at the time of recovery panchanama under section 27 of the Evidence Act. The learned Prosecutor further submitted that considering the antecedents against the applicant/accused, bail is not to be granted.

4. Perused the FIR, the papers placed before this Court. Except the FIR, no other evidence is produced by the prosecution before this Court. The robbers were unknown and obviously, no

names of the robbers were mentioned in the FIR. The submission of the learned Prosecutor that the applicant/accused is involved in four similar type of cases is accepted. However, the fact of the antecedents or bad criminal record is to be taken into account if there is any evidence in respect of commission of offence which is the subject matter of the present C.R. in which the Bail Application is preferred.

5. In the present case, *prima facie*, nothing is placed before me to show any connection between the co-accused and the present applicant/accused or participation of the applicant/accused in the offence under the C.R. Under such circumstances, bail application is allowed on the following terms:

- a) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty thousand only) with one or two solvent sureties in the like amount.
- b) The applicant-accused shall not tamper with the evidence or pressurise the complainant or the witnesses;
- c) The applicant-accused shall not indulge into any criminal

activity muchless the offence of robbery and dacoity and against human body.

d) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

f) The applicant/accused shall cooperate with the Investigating Officer and attend the nearby police station i.e., Nevasa police station, Ahmednagar on the 1st and 15th day of every month between 6pm to 7pm, for a period of six months. He shall also attend all the Court dates.

g) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)