

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.308 OF 2017

Pravin John Murgan

Applicant

versus

The State of Maharashtra

Respondent

Mr.A.M.Saraogi for Applicant.

Smt.J.S.Lohokare, APP, for State.

Mr.Gajanan R. Sargar, API, Aarey Police Station, Mumbai, present.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 18th July 2017

PC :

1. This is an application for bail in connection with CR No.101 of 2016 registered with Aarey Police Station, Mumbai for offence punishable under Section 395 of Indian Penal Code. The Applicant was arrested on 10th August 2016.

2. The prosecution case is that the accused persons had committed robbery by putting the complainant under fear and took away cash of Rs.1,500/- and three mobile phones. The Applicant was identified in the identification parade by complainant eye witness.

3. Learned advocate for Applicant submitted that all other accused are granted bail. The application of the Applicant was rejected on the ground that there is recovery of mobile phones at the instance of Applicant. It is submitted that the Applicant is in custody for almost one year and charge sheet has been filed.

4. Learned APP submitted that there is evidence of identification against the Applicant. He was identified by the complainant and other witnesses. There is recovery of mobile phones at the instance of Applicant.

5. Perused the FIR and other statements, which is part of the charge sheet. It is apparent that all other accused are granted bail. It is true that there is alleged recovery at the instance of Applicant in the form of memorandum of panchanama recorded on 12th August 2016. The Applicant is in custody from 10th August 2016. There are no criminal antecedents against him. The investigation is complete and charge sheet has been filed. In the circumstances, a case for bail is made out on certain conditions.

6. Hence, I pass following order :

ORDER

- (i) Bail Application No.308 of 2017 is allowed;
- (ii) The Applicant is directed to be released on bail in connection with CR No.101 of 2016 registered with Aarey Police Station, Mumbai, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The Applicant is directed to report the investigating officer of Aarey Police Station, Mumbai once in a month on every first Saturday between 11.00 a.m. and 1.00 p.m;
- (iv) The Applicant shall attend the trial during the hearing of the case;

- (v) The Applicant shall furnish his permanent residential address as well as mobile phone number to the investigating officer;
- (vi) The Applicant is permitted to provide cash bail for a period of four weeks.

(PRAKASH D. NAIK, J.)

MST