

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

BAIL APPLICATION NO. 331 OF 2017

S.S. Das .. Applicant

Vs.

The State of Maharashtra .. Respondent

.....
Mr.Kamlesh Gujar, Advocate for the Applicant.
Mr.Arfan Sait, APP for the Respondent - State.
.....

CORAM : PRAKASH D. NAIK, J.

DATED : JULY 17, 2017.

P.C. :

This is an application for bail in connection with C.R. No.292 of 2015 registered with Juhu Police Station for the offences punishable under Sections 342, 397, 395, read with Section 120-B of the IPC.

2 The prosecution case is that one Harishchandra Mishra was residing at the Bungalow at Juhu, Mumbai. On the date of incident he heard the noise of barking dogs. He found that his two servants were sitting on the floor and six persons armed with weapon assaulted the complainant and made him to sit. They also tied the hands of the complainant and the servants and

committed robbery in the house of the complainant and took away cash, cellphones, gold chain, wrist watches, DVR etc. valued at Rs.2,23,000/-. Thereafter the First Information Report was lodged.

2 The applicant was arrested on 15th August, 2015. The other accused were also arrested in this crime. Some of them are still absconding. Learned advocate for the applicant submitted that there is no evidence to show the involvement of the applicant in the crime. The prosecution further relying upon the statement of co-accused Ambadas Shinde. It is further submitted that the co-accused Ambadas Shinde was amongst the assailants and allegedly committed robbery as well as other acts. Prakash Patil was keeping watch at the scene of offence. They were arrested and granted bail by this Court vide order dated 7th March, 2017 passed in Bail Application Nos.1005 of 2016 and 1163 of 2016. It is submitted that the involvement of the applicant is shown on the basis of the inferences and there is no evidence to support his involvement.

3 Learned APP opposed the application for bail. It is submitted that the applicant was associated with the main

accused for committing robbery. It is submitted that the door of the servant room was open and it is observed that two servants were sitting on the floor and six persons armed with sickle assaulted complainant and caused injury and committed robbery in the house. He relied upon the statement of the other servant Rahul who was also present at the scene of offence to show the involvement of the applicant.

4 I have gone through the documents on record. The applicant was working as a servant in the house of the complainant. The accused who were attributed the role of committing robbery and keeping watch at the place of incident has been granted bail by the Court. Considering the aforesaid circumstances and taking into consideration that the applicant has been in custody from 15th August, 2015, the applicant can be enlarged on bail.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.331 of 2017 is allowed;
- (ii) The applicant is directed to be released on bail

in connection with C.R.No.292 of 2015 registered with Juhu Police Station, Mumbai on furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand) with one or more sureties in the like amount;

- (iii) The applicant is directed to report Juhu Police Station, Mumbai once in a month on first Saturday between 11.00 a.m. to 1.00 p.m. till the conclusion of the trial;
- (iv) The applicant is directed to attend the trial Court on the date of hearing;
- (v) The applicant is directed to furnish details of residence to the investigating officer;
- (vi) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)