

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

CRIMINAL BAIL APPLICATION NO. 576 OF 2017

Prashant Popat Rale ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 806 OF 2017

Ratan Suresh Gopale ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Vikas Kapile for the applicant in BA/576/2017.

Smt. Veera Shinde, APP for the respondent- State in BA/576/2017.

Mr. Himanshu Shinde for the applicant in BA/806/2017.

Mr. M. G. Patil, APP for the respondent- State in BA/806/2017.

CORAM : PRAKASH D. NAIK, J.

DATE : 7 JUNE 2017

P.C. :

1. The applicants are arrested in connection with C.R. No.567 of 2015 registered with Oshiwara Police Station for the offences punishable under Sections 394 & 397 read with Section 34 of the IPC.

2. The prosecution case is that the complainant was accosted by three accused and he was robbed of Rs.300/- and one of them also assaulted him by using knife. The applicant in BA No.576 of 2017 was arrested on 5 January, 2016 and the applicant in BA No.806 of 2017 was arrested on 27 December, 2015.

3. Learned advocates appearing for the applicants submitted that there is no evidence against the applicants and they have been falsely implicated in this crime.

4. Learned advocate for the applicant in BA No.576 of 2017 submitted that although he was identified in identification parade no role has been assigned to him. He submitted that the person armed with knife who assaulted the complainant has been granted bail by this Court. He placed reliance on the bail order granted in favour of the said co-accused which has been annexed to this application

5. Learned advocate for the applicant in BA No.806 of 2017 submitted that he has not been identified in the identification parade and therefore there is no evidence to connect him with the alleged crime.

6. Learned APP opposed both applications for bail. She submits that the applicants have committed serious offences and they

are having antecedents. She submitted a report stating that the criminal cases are pending against both the accused other than the present case. Learned advocates for the applicants submitted that in two cases registered with Amboli Police Station which are stated in the said report, the applicants are acquitted by the trial Court.

7. Learned advocates for the applicants further submitted that in the light of the fact there is no evidence to connect the applicants in the present case, the pendency of cases may not be considered for drawing an adverse inference against the applicants.

8. I have perused the documents on record including First Information Report. As far as the applicant in BA No.806 of 2017 is concerned, he has not been identified in the Identification Parade. The applicant in BA No.576 of 2017 has been identified but no role has been assigned to him during the Identification Parade. Apart from that the person who is attributed the role of assault upon the complainant has been granted bail. In the light of the aforesaid circumstances, I am inclined to allow both Bail Applications.

9. Hence, I pass the following order:

:: ORDER ::

- (i) Applicants are directed to be released on Bail in connection with C.R. No.567 of 2015 registered with Oshiwara Police Station, Mumbai on furnishing P.R. Bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each with one or more sureties in the like amount.
- (ii) The applicants are directed to attend Oshiwara Police Station once in fortnight between 5 to 7 pm till further orders;
- (iii) These Bail Applications stand disposed off accordingly.

[PRAKASH D. NAIK, J.]