

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.807 OF 2017

KIRAN BHANSINGH VISHWARMA)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Himanshu Shinde, Advocate for the Applicant.

Mr.R.M.Pethe, APP for the Respondent – State.

Mr.V.B.Sawant, P.S.I. Meghwadi Police Station, is present in court.

CORAM : A. M. BADAR, J.

DATE : 4th OCTOBER 2017

P.C. :

1 This is an application for bail by the applicant /
accused no.6 in Crime No.248 of 2016 for offences punishable
under Sections 454, 457, 380 and 34 of the Indian Penal Code
(IPC), registered with Meghwadi Police Station, Mumbai.

2 Heard the learned advocate appearing for the applicant / accused. He submitted that after completion of investigation and as other co-accused have already been released on bail, the applicant / accused is also required to be released on bail.

3 The learned APP opposed the application by contending that offences are serious and complicity of the applicant / accused in the crime in question is reflected even from C.C.T.V footage. The T-Shirt of the applicant / accused was found on the scene of occurrence.

4 I have carefully considered the rival submissions and also perused the charge-sheet. According to the prosecution case, the applicant / accused, who was residing in the vicinity of the First Informant Amardeep, had indulged in commission of theft at the house of the First Informant in the night hours of the night intervening 30th July 2016 and 31st July 2016 by taking help of other co-accused.

5 Investigation reveals that at the instance of the present applicant / accused, part of stolen jewellery is recovered. According to the prosecution case, T-shirt which was being used by the present applicant / accused was also found on the spot.

6 The investigation of the crime in question is over and the charge-sheet has already been filed. The material on record does not indicate that the applicant / accused is having criminal history. There is nothing on record to demonstrate that the applicant / accused will not be available, if released on bail, for facing the trial. In this view of the matter, the following order :

ORDER

- i) The application is allowed.
- ii) The applicant accused be released on bail in Crime No.248 of 2016 for offences punishable under Sections 454, 457, 380 and 34 of the Indian Penal Code (IPC), registered with Meghwadi Police Station, Mumbai, on his executing P.R.Bond in the sum of Rs.25,000/-, and on furnishing 1 or 2 solvent surety in like amount.

iii) As a condition of this order, the applicant / accused should not commit any crime of similar nature in future.

iv) The application is disposed of.

(A. M. BADAR, J.)