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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 942 OF 2017

Umesh @ Nanya Arun Rairikar

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Debajyoti Tallukdar for Applicant.

Mr. S.R. Agarkar APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.137 of 2013 dated 20.9.2013 registered with Paud Police Station, District- Pune under Section 364A, 384, 385, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and 3 (25) of the Arms Act.

2] The prosecution case in nutshell is that, the applicant along with other accused persons abducted the first informant Mr. Krishnarao S. Shelke and extorted an amount of Rs.7.00 lakhs from him by putting him under fear of death. During the course of investigation, police have arrested

the applicant on 22.9.2013. After completion of investigation, police have submitted chargesheet.

3] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

4] It appears from record that the only evidence available against the applicant is that he has been identified by Shri Krishnarao Shelke, the first informant and his driver Satish Lavange (witness). Prima facie it appears that the test identification parade is not conducted in conformity with the settled position of law which governs it.

5] Learned APP submitted that there is recovery of Rs.1.00 lakh at the instance of applicant and the said money is alleged to be part of the aforesaid extorted amount. However, the record indicates that the said cash has not been identified by the first informant as the same cash involved in the present crime.

The Co-Ordinate Bench of this Court (Shri Abhay M. Thipsay, J. as then was) by an Order dated 16th June 2014 in Bail Application No.770 of 2014, has directed the accused/applicants Anand Gulab Shinde and Anr. to be released on bail from whom also a cash of Rs.1 lakh was recovered.

6] In view thereof, this Court is of the view that, the applicant

can be released on bail.

Hence the following Order:

(i) The applicant be released on bail in CR No. 137 of 2013 registered with Paud Police Station, District-Pune on on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Paud Police Station once in a month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m.

(iii) The applicant shall also attend all the dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(vi) Criminal Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)