

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1030 OF 2017

Vicky Singh Jalinder Singh Kalyani @ Shikalgar	Applicant
versus	
State of Maharashtra	Respondent

Smt.Harjeet Kaur for Applicant.

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

PSI R.V.Patil, Kapur Bawdi Poice Station, Crime Branch, Unit No.2
Bhivandi present.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 10th July 2017

PC :

1. This is an application for bail in connection with CR No.260 of 2015 registered with Kapur Bawdi Police Station, Thane for offences punishable under Sections 457, 380, 427, 413, 414 and 34 of Indian Penal Code. The prosecution case is that the complainant had lodged a complaint that there was a robbery in his shop premises and gold and silver ornaments were stolen by unknown persons. It is alleged that the Applicant along with few other accused persons are involved in commission of the offence. It is alleged that the Applicant had shown the spot of incident during the course of investigation.

2. Learned advocate for Applicant submitted that there is no evidence against the Applicant. It is further submitted that the Applicant was arrested in connection with case under Section 307 of IPC and while in custody in that case, the Applicant's custody was sought in the present case, which was lodged against unknown

persons. It is submitted that similarly in another case for offence under Section 380 of IPC also, the Applicant was impleaded as an accused wherein an FIR was registered against unknown persons. It is submitted that the Applicant has been granted bail in both the said cases. The Applicant is in custody in the present case since 16th December 2016.

3. Learned APP opposed this application. It is submitted that involvement of the Applicant was revealed during the course of investigation. It is further submitted that the Applicant had shown the spot of incident. There are criminal antecedents against the Applicant. Hence, bail may be refused to the Applicant.

4. Perused the documents on record. The investigation is complete and charge sheet has been filed. The FIR was registered against unknown persons. The only evidence against the Applicant is that he had shown the spot of incident during the course of investigation. There is no recovery from the Applicant. In the circumstances, bail can be granted to the Applicant.

5. Hence, I pass following order :

ORDER

(i) The Bail Application No.1030 of 2017 is allowed;

(ii) The Applicant is directed to be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- (iii) The Applicant is directed to report the investigating officer of Kapur Bawdi Police Station, Thane once in a month on every first Saturday, between 11.00 a.m. and 1.00 p.m. till further orders;
- (iv) The Applicant shall not tamper with the evidence and attend the trial regularly;
- (v) The Applicant is directed to furnish permanent residential address and mobile phone number to the investigating officer;
- (vi) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST