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

CRIMINAL BAIL APPLICATION NO.1057 OF 2017

1.	Papesh Ramesh Bundhe	
2.	Sandeep Laxman Datela	
3.	Mosam Suresh Ghatal	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

***WITH
CRIMINAL BAIL APPLICATION NO.1058 OF 2017***

	Roshan Sohrabh Shaha	...Applicant
	Versus	
	The State of Maharashtra	...Respondent

Mr.Ganesh Gole, i/b Mr.Ateet Shirodkar, for the Applicants in both the Applications.

Ms.Veera Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th SEPTEMBER, 2017

P.C. :

1. Heard learned counsel for the parties.

2. By these applications, the Applicants seek their enlargement on bail in connection with C.R.No.I-214 of 2016 registered with the Wada Police Station, Palghar, for the alleged offences punishable under Sections 395 and 506, of the Indian Penal Code.

3. Learned Counsel for the applicants submits that Sanjay Yadav, a Watchman of the Company, has identified the applicants-Papesh Ramesh Bundhe and Sandeep Laxman Datela in Criminal Bail Application No.1057 of 2017 and applicant -Roshan Sohrabh Shaha in Criminal Bail Application No.1058 of 2017. He submitted that although Sanjay Yadav had stated that he would identify the 3 persons who had threatened him, he has identified only two persons and that the applicant-Roshan Sohrabh Shaha in Criminal Bail Application No.1058 of 2017 was not one of the persons who was amongst the said 3 persons, but was present in the tempo. He submitted that therefore, the identification of applicant-Roshan Sohrabh Shaha in Criminal Bail Application No.1058 of 2017 by Sanjay Yadav (watchman) raises some suspicion. He further submitted that the applicant - Mosam Suresh Ghatal in Criminal Bail Application No.1057 of 2017 had not been identified in the identification parade. He submits that nothing has

been recovered from any of the applicants.

4. Learned A.P.P oppose the applications.

5. Perused the papers. According to the complainant – Brijbhushan Tripathi, on 27th September, 2016 at about 5.30 a.m., he received a call from Nagendra Yadav, informing him, that there was a robbery in Rudra Company. He has stated that on reaching the spot, he learnt from Sanjay Yadav (watchman), that at about 1.00 a.m to 3.30 a.m., 10 to 11 people had entered the company from the back gate of the company; that when Sanjay Yadav tried to stop the said persons, 3 of them, threatened him by showing him iron rods and forcefully made him sit at one place; that the remaining persons entered the company and took the machinery and other materials from the company and loaded the same into one white pick-up jeep and left the said spot. He has further stated that after inspection, it was found that machinery and materials worth Rs.3,50,000/- were robbed, pursuant thereto, the aforesaid complaint was lodged. In the identification parade which was held on 21st October, 2016, the applicants-

Papesh Ramesh Bundhe and Sandeep Laxman Datela in Criminal Bail Application No.1057 of 2017 and applicant-Roshan Sohrabh Shaha in Criminal Bail Application No.1058 of 2017 have been identified by Sanjay Yadav (watchman). The applicant - Mosam Suresh Ghatal in Criminal Bail Application No.1057 of 2017 has not been identified by Sanjay Yadav (watchman). It appears that there is recovery of stolen property from co-accused – Munawar Choudhary, who has been enlarged on bail. It appears that the owner of the tempo/ pick-up jeep, has also been enlarged on bail, considering his role.

6. Considering the aforesaid, Criminal Bail Application No.1057 of 2017 is partly allowed and Criminal Bail Application No.1058 of 2017 is rejected. Accordingly, the applicant - Mosam Suresh Ghatal in Criminal Bail Application No.1057 of 2017 is enlarged on bail, on the following terms and conditions:-

ORDER

i) The Applicant-Mosam Suresh Ghatal be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

ii) The Applicant-Mosam Suresh Ghatal shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) The Applicant-Mosam Suresh Ghatal shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

iv) The Applicant-Mosam Suresh Ghatal shall not contact the complainant, witnesses or any person concerned with the case;

v) The Applicant-Mosam Suresh Ghatal shall co-operate in the conduct of the trial.

7. Both the Applications are disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie* and are confined to these applications and the learned Judge to decide

the case on its own merits, uninfluenced by the observations made herein.

9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)