

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1150 OF 2017**

1. Avinash Valmik Bhawar,	
2. Rahul Dattatray Wakhare	...Applicants
Versus	
State of Maharashtra	...Respondent

Mr. K. B. Katake i/b Mr. Devendra D. Pawar for the Applicants

Mr. Prashant Jadhav, A.P.P for the Respondent-State

API Mr. S. D. Mujawar from Ranjangaon MIDC Police Station, Pune (Rural), is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 9 of 2017 registered with the Ranjangaon MIDC Police Station, Pune, for the alleged offences punishable under Sections 364(A), 385, 504, 506, 323 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants states that the applicants have been falsely implicated in the said case. He submits that no Test Identification Parade was held and that there is no recovery of any article, at the instance of the applicants. He submits that the applicants are in custody since 29th January, 2017 and that investigation is complete and charge-sheet is filed.

4. Learned A.P.P opposes the application. He does not dispute the fact, that there is no recovery from the applicants and that no identification parade was held. According to the learned A.P.P, identification parade could not be held, as, all the witnesses had left their residences. He also does not dispute the fact, that the applicants have no antecedents.

5. Perused the papers. The incident has taken place on 29th January, 2017 at about 2:30 p.m. According to the complainant-Sudipkumar, he was returning from his work place alongwith his friends Sitaram and Dilip. He has alleged that Sirtaram was little ahead, whereas, he and Dilip were chatting with one another, when one black colour Pulsar motorcycle came from behind. He has alleged that there were two persons

on the said motorcycle and that both the said persons held him and Dilip. He has further stated that Dilip pushed one of them and ran away from the spot and that thereafter, both the said persons compelled him to sit on their motorcycle. He has stated that he was taken to Karde Ghat. According to the complainant, the said two persons demanded an amount of Rs. 25,000/- from him and assaulted him with fist and kick blows. He has alleged that when he disclosed that he had no money, the applicants allegedly asked him to call his friend-Dilip. The complainant is alleged to have called his friend-Dilip and asked him to bring Rs. 25,000/-. It is alleged that the applicants had threatened to kill the complainant, if the amount was not brought. He has stated that, however, subsequently, he managed to escape from the said spot and informed the concerned Police Station.

6. The applicants were arrested in January, 2017. There is no recovery, as no amount was paid to the applicants. The applicants have no antecedents. It also appears that the persons against whom the complaint was lodged were not known to the complainant and others, however, despite the same, no test identification parade has been held. Investigation is complete and charge-sheet is filed. The applicants have no antecedents.

7. Considering the aforesaid, the application is allowed and the applicants are enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 30,000/- each, with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Monday of every month between 11:00 a.m. to 12:00 noon till the conclusion of the trial;
- (iii) The applicants shall not tamper the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest places of residence and mobile contact numbers and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial and to attend the Court on every date;

(vi) The applicants to file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of their release;

(vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

8. The application is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.