

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1438 OF 2017

Manjya @ Manja @ Manshya Raju Kale vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.V. Purwant for the Applicant.

Mr. S.R.Agarkar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 5th October, 2017.

P.C.

1. This is an application for bail under Section 439 of the of the Cr.P.C. in CR No. 16 of 2016 registered with Daund Railway Police Station, Pune under Section 397 read with 34 of the Indian Penal Code and under Sections- 4 and 25 of the Arms Act.

3. It is the case of the prosecution that on 1.3.2016 at about 5.30 a.m. when the first informant was travelling by Hawda Pune Express, accused No.1 committed robbery of the hand bag of the first informant and when the first informant and her mother tried to resist him co-accused Yogesh Bhosale assaulted them with a sharp edged weapon on their hands. It is alleged that two to three unknown persons were accompanying accused No.1 Yogesh Bhosale at that relevant time. During the course of investigation the applicant came to be arrested on 28.3.2016 and after completion of investigation police have submitted charge sheet.

2. Perused the charge sheet. The only circumstance

propounded against the applicant is that, the mobile hand set of the first informant was recovered at his instance under Section 27 of the Evidence Act. It prima facie appears that there is no identification of the mobile hand set which connect the link of ownership of the first informant. Learned counsel for the applicant submitted that accused No.1 Yogesh Bhosale has been released on bail by the Trial Court.

5. In view of the above, the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No. 16 of 2016 registered with Daund Railway Police Station, Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) After his release from Jail, the applicant shall attend the concerned police station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.
- c) The applicant shall also attend all the dates before the Trial Court.
- d) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.
- e) The applicant shall not tamper with the evidence and /or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)