

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1494 OF 2017**

Sourabh Devidas @ Deosharan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Raviraj S. Gamare I/b Mr. Santosh B. Sawardekar for the Applicant

Mr. M. G. Patil, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 24th AUGUST, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the applicant, seeks his enlargement on bail in connection with C.R. No. 76 of 2016 registered with the C.B.D. Police Station, Navi Mumbai, Thane, for the alleged offence punishable under Section 395 of the Indian Penal Code.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submits that similarly placed co-accused have been enlarged on bail by the Sessions Court, despite the fact, that they too have been identified in the identification parade. He submits that the applicant is aged

18 years of age and is languishing in jail since June, 2016. He submits that the investigation is complete and charge-sheet is filed and that applicant's further detention will expose him to hardened criminal. He submits that there is no recovery at the instance of the applicant. He submits that the applicant was a juvenile at the time when the alleged incident was committed.

4. Learned A.P.P opposes the application, however, does not dispute the fact, that the other co-accused have been enlarged on bail. He submits, on instructions, that the applicant has one antecedent and that when the applicant was arrested in connection with that offence, he was transferred in the present C.R.

5. Perused the papers. The incident has taken place on 13th June, 2016 at about 11:25 p.m. when the complainant was waiting for his vehicle. According to the complainant, at that time, five men and one girl came on three different motorcycles and that the said persons assaulted the complainant and stole his bag. There is no recovery at the instance of the applicant. The applicant along with other co-accused, have been identified

by the complainant. Whether or not the applicant was a juvenile, is a matter, which will be decided by the appropriate Court, if an appropriate application is filed by the applicant. Investigation is complete and charge-sheet is filed. Hence, continued detention of the applicant is not warranted.

6. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount;
- (ii) The applicant 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 framing of charge;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall inform his latest place of residence and mobile contact number 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 applicant to cooperate with the conduct of the trial.

7. The application is accordingly disposed of.

8. 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.

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

REVATI MOHITE DERE, J.