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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1544 OF 2017

Sonya @ Nilesh Bhimrao Kamble

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Shriram Chaudhari for applicant.

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

CORAM: A.S. GADKARI, J.

DATE : 6th September 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No.563 of 2015 dated 17.11.2015 registered with Nigadi Police Station, Pune City, Pune under Section 307 and 394 of the Indian Penal Code and under Section 3(25) of the Arms Act.

2] It is the prosecution case that, the applicant along with co-accused Avinash @ Santosh Ashok Tope attempted to commit dacoity at TJSB Bank, Sambhaji Nagar, Chinchwad, Pune on 17.11.2015 between 1.00 p.m to 2.00 p.m. The co-accused namely Avinash @ Santosh Ashok Tope tried to snatch the bag containing cash from the cashier Shri Rajendra

Kulkarni. At that time the security guard namely Kapil Rai tried to nab co-accused Avinash @ Santosh Tope, when the co-accused fired at the said security guard Kapil Rai from a country made pistol. Due to the said firing, the security guard sustained injury on his left shoulder, however, co-accused/Avinash @ Santosh Tope was unsuccessful in snatching the bag from cashier. It is the prosecution case that, applicant was standing at a distance with a motorcycle with a view to escape from the scene of offence, however ran away after hearing the firing. After completion of investigation, police have filed chargesheet.

3] The record indicates that, the co-accused Avinash @ Santosh Tope has given an extra-judicial confession to his brother-in-law Shri Pandurang Wankhede and in the said extra-judicial confession, he has stated that the present applicant was waiting on motorcycle near the scene of offence, however, after firing took place, applicant left the place without taking the co-accused Avinash @ Santosh Tope. The record indicates that, there is no other evidence apart from the said extra-judicial confession on record. It is submitted that there are no antecedents at the discredit of the applicant.

4] In view of the peculiar facts of the present case, the applicant has made out a case for his release on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No.563 of 2015 registered with Nigadi Police Station, Pune on his`

furnishing PR bond of Rs.50,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Nigadi Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 1.00 p.m.

(iii) The applicant shall also attend all the dates before the Trial Court.

(iv) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(v) Applicant shall not tamper with evidence and/or prosecution witnesses.

(vi) Criminal Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)