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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2107 OF 2017

Adnan Imran Ansari

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. R.S. Bidkar for Applicant.

Mr. A.S. Patil, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 12th October 2017.

P.C.

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 13 of 2017 dated 27.1.2017 registered with Kamothe Police Station, Navi Mumbai under Sections 395, 343 and 120(b) of Indian Penal Code.

2] It is the case of prosecution that on 27.01.2017 at about 11.20 a.m two persons committed robbery on highway of 440 grams of gold and Rs.88,000/- cash from Gorakhnath Shinde and Vikas Shendge. The first information report is lodged by Gorakhnath Shinde. During the course of

investigation the applicant came to be arrested on 15.04.2017. After completion of investigation, police have submitted the chargesheet.

3] The allegation against the present applicant is that he was on motorcycle at the time of commission of offence and obstructed the two wheeler of the first informant on road. The record indicates that the applicant has been identified by the first informant Gorakhnath Shinde and witness Vikas Shendge in test identification parade held on 7.3.2017. A bare perusal of the report of the test identification parade would reveal that the same is not in conformity with the provisions of Criminal Manual and the guidelines issued by the Court from time to time and prima facie it appears that it is the only piece of evidence against the applicant. Prima facie it appears that there is no other material available on record against the applicant.

4] In view thereof, this Court is of the view that the applicant can be released on bail.

Hence, the following Order:

(i) The applicant be released on bail in CR No.13 of 2017 registered with Kamothe Police Station, Navi Mumbai on on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Kamothe Police Station, Navi Mumbai once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 2.00 p.m.

(iii) 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 the evidence and/or influence the prosecution witnesses.

5] Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)