

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2233 OF 2016

Pranil Pradip Patekar

.... Applicant

versus

State of Maharashtra

... Respondent

Mr.Rhit Pande, Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the State/Respondent.

PSI – Mr. Ajnil Andhare, Poladpur Police Station.

CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 17th FEBRUARY, 2017.

P.C. :

1. This is an application u/s 439 of Cr.P.C. moved for bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under section 395, 397, 460, 130-B of the Indian Penal Code in C.R.No.51/15 of Poldadpur Police Station. The offence is registered at the instance of Sandip Ramchandra Nare on 26/11/2015.

2. It is the case of prosecution that on 25/11/2015 nearly 8 persons entered their house at around 10.20 p.m. They assaulted the complainant, his parents and his wife. They threatened the complainant and his family members by putting

his son at the point of knife. The complainant and his family members gave their ornaments money and thereafter they took away their call phones and fled away. The applicant/accused as per the case of the prosecution was one of them, who committed dacoity and was arrested on 28/02/2016. Since then he is in the prison. Hence this application for bail.

3. The learned counsel for the applicant has submitted that the applicant/accused is innocent and has not committed any offence. The applicant/accused is 21 years old boy. There are no criminal antecedents against him. He has submitted that in the test identification parade, only the complainant and other persons have identified him and charge-sheet is filed in the trial Court and nothing is recovered from the applicant/accused. Hence he prayed for granting bail.

4. The learned prosecutor while opposing the bail application has relied on the supplementary statement of the complainant Sandip Nare dated 17/03/2016 and also memorandum of test identification parade, which was conducted on 16/03/2016. The prosecutor has submitted that complainant, his father and mother have identified the accused

as one of the dacoit. In his statement the complainant has specifically mentioned that the applicant/accused Pranil took away the cell phones on the window and he also took away the search whether CCTV cameras were fixed in the house. The learned prosecutor further submitted that the applicant/accused was arrested alongwith 8 accused.

5. Perused the FIR. Perused the supplementary statement of Sandip Nare. So also the memo of test identification parade and statements of other witnesses. In the supplementary statement of the complainant, which was recorded on the next day of test identification parade, he has stated that the applicant/accused examined whether the CCTV cameras were fixed or not and so also he picked up the cell phones in the house and he was identified by three witnesses. However, role as of the assailant is not attributed to the applicant/accused. The applicant/accused is in the prison since 28/02/2016 and has no criminal antecedents. Charge-sheet is also filed.

6. Considering the supplementary statement and the facts and circumstances of the case, I release the applicant/accused on the following terms and conditions :

ORDER

- (i) The applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant/accused shall attend all the Court dates.
- (iii) The applicant/accused shall not tamper with the evidence or pressurize the complainant.
- (iv) The applicant/accused shall not commit any offence, especially against human body or property.
- (v) The applicant shall not have any association with the other accused.

7. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)