

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

BAIL APPLICATION NO. 978 OF 2018

Shivlingappa Irappa HalakeApplicant

V/s.

The State of MaharashtraRespondent

Mr. Vikrant Phatate for the applicant.

Ms. P.N. Dabholkar, APP for the State.

Mr. P.B. Sorate, Police Naik, Mhaswad Police Station, Dist. Satara
present.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 26th OCTOBER, 2018.**

P.C.:

. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.149/2016 registered at Mhaswad Police Station, District Satara for offences punishable under sections 395, of the Indian Penal Code and under sections 3 and 25 of Indian Arms Act.

2. Heard Mr. Vikrant Phatate, learned counsel for the applicant. He submits that the records do not prima facie show the involvement of the applicant in the aforesaid crime. He submits that the applicant is in custody since 28/09/2017. He further submits that the applicant has been interrogated and that his presence is no longer required in

custody. Mrs. P.N. Dabholkar, learned APP concedes that there is no prima facie material to show the involvement of the applicant in committing dacoity. Nevertheless, she submits that the applicant had taken the stolen jewellery from the co-accused Ganesh and that he had sold the same.

3. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The aforesaid crime was registered pursuant to the first information report lodged by Jagannath Pandurang Mane. A perusal of the first information report prima facie reveals that on 07/10/2017, at about 08:00 p.m., the co-accused Ganesh More and two others had come to his jewellery shop and had taken away gold ornaments worth Rs.90,000/- and cash of Rs.11,000/- at the point of a knife and revolver. It is the case of the prosecution that the present applicant had sold the said stolen articles to one of the jewellers. Apart from the statement of a co-accused, there is no other prima facie material on record to prove the involvement of the applicant in selling the said gold ornaments. The applicant is in custody since 28/09/2017. The investigating agency has not been able to trace the person to whom the

applicant had allegedly sold the gold ornaments. There is thus, no prima facie material to show the involvement of the applicant in commission of the said crime.

5. Considering the above facts and circumstances, in my considered view, the applicant is entitled for bail. Hence, the Bail Application is allowed on the following terms and conditions :-

(a) The applicant who is arrested in C.R.No.149/2016 registered at Mhaswad Police Station, District Satara is ordered to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount.

(b) The applicant shall furnish his permanent address and temporary address, if any, and his contact details to the concerned Court.

(c) The applicant shall not change his residential address without prior intimation to the Investigation Officer and to the concerned Court.

(d) The applicant shall not interfere with the witnesses in any manner and shall not tamper with the evidence.

(e) The applicant shall report to the Investigation Officer or in his absence, to the Senior Police Inspector, Mhaswad Police Station, Satara on 01st and 03rd Monday of every month until further orders.

(SMT. ANUJA PRABHUDESSAI, J.)