

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****BAIL APPLICATION NO. 2248 OF 2018**

Samarth Dilip Bhondve

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. S.T. Waghmode for the Applicant.

Ms. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 19th NOVEMBER, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. 81 of 2018, dated 22nd March, 2018 registered with Natepute Police Station, District Solapur under Sections 392 and 397 read with Section 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge-sheet.

3 It is the case of the prosecution that, on 19th March, 2018 at about 11.30 p.m. when the first informant Shri Manik N. Pise along with his wife Mrs. Sangita Pise were returning from village Behere Chincholi, Taluka Sangola, District Solapur to Walchand Nagar,

Taluka Indapur, District Pune on motor cycle, the Applicant along with other two accused persons waylaid their motor cycle by their own motor cycle and at the point of chopper committed robbery of ornaments, mobile hand-set and cash from the person of the Complainant and his wife.

During the course of the investigation, the Applicant came to be arrested on 23rd March, 2018 and after completion of investigation, police have submitted charge sheet.

4 The record indicates that, the Identification Parade of the Applicant has been conducted in Police Station by the Investigating Officer. When the Applicant was in police custody, he was shown to the first informant and the first informant has identified him. The Applicant was already in custody of the police and had alleged to have been confessed his guilt prior to his test identification parade. As the test identification is conducted contrary to the settled provisions of law, I am inclined to release the Applicant on bail.

Hence, the following order.

- a) The Applicant be released on bail in CR No. 81 of 2018 dated 22nd March, 2018 registered with Natepute Police Station, District Solapur on his

furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

- b) After his release from jail, the Applicant shall attend the Natepute Police Station on every alternate Monday between 11.00 a.m. and 1.00 p.m. initially for a period of six months and thereafter, on every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the conclusion of Trial.
- c) Any two consecutive defaults in complying with the afore-stated condition will attract the provisions of cancellation of bail.
- d) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

5 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)