IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 882 OF 2018

Uday Baliram Thakare ….Applicant.
Vs.
The State of Maharashtra ….Respondent.

Mr. Ajit Pitale for the Applicant.
Smt. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 13th JUNE, 2018.

P.C.:-

This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. I-99 of 2017 dated 7th July, 2017 registered with Murbad Police Station, District Thane under Sections 396, 397 of the Indian Penal Code, now culminated into Sessions Case No. 351 of 2017.

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

3 It is the prosecution case that, the principal accused namely Santosh Bhoir along with other accused persons including Applicant, committed robbery on Dhasai-Mhasa State Highway at about 2.30 p.m. of 7th July, 2017. That, when the first informant and

deceased Pritam Marke were proceeding on motor cycle after collecting the amount from their dealers, it is alleged that the accused persons on two different motor cycles, waylaid them and the co-accused Shailesh Satpute assaulted the deceased with a wooden log on his head. After the deceased fell down, the accused persons robbed the bag from his person containing Rs.91,668/- and fled away from the scene of offence. During the course of investigation, the Applicant came to be arrested on 5th August, 2017 and after completion of the investigation, the police have submitted the charge sheet.

4 The record indicates that the first informant did not identify the Applicant in test identification parade. It is alleged by the prosecution that, a sum of Rs.5,000/- has been recovered at the instance of the Applicant by effecting panchanama under Section 27 of the Evidence Act. It is to be noted here that, the said currency notes do not have any specific marking to indicate that the same were belonging to the first informant.

5 In view thereof, the Applicant is entitled to be released on bail.

Hence, the following order.

a) The Applicant be released on bail in CR No. I-99 of 2017, registered with Murbad Police Station, District Thane, now culminated into Sessions Case No. 351 of 2017, 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 concerned Police Station on every first Monday of the month between 11.00 a.m. to 2.00 p.m.

c) The Applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.

d) Any two consecutive defaults in complying with the afore-stated conditions will attract the provisions of cancellation of bail.

e) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)