

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

CRIMINAL BAIL APPLICATION NO.1208 OF 2018

Neeraj Bhahamadatta Soni

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Amarendra Mishra for the Applicant.

Smt. S.S. Lohokare, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 4th JULY 2018

P.C.:

1. This an application under Section 439 of the Code of Criminal Procedure for bail in C.R.No.I-374/2017 dated 16.12.2017 registered with Vartak Nagar Police Station, Thane under Section 392, 506 r/w. 34 of Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the record.
3. The prosecution case in brief is that, the applicant under the pretext of selling his Rangerover Car called the first informant Bunty Uke near Viviana Mall, Thane on 25.10.2017 at about 8.00 p.m. He thereafter took the first informant to a nearby lane and alongwith co-accused committed robbery of Rs.40,000/- and other valuables from

the person of the first informant. During the course of investigation, applicant came to be arrested on 10.03.2018 and after completion of investigation, police have submitted charge-sheet.

4. After completion of investigation and at the time of submitting charge-sheet, while narrating the gist of the prosecution case, the police have stated that the applicant has committed robbery of Rs.40,000/- cash, gold chain and some other articles totaling to Rs.1,46,350/- from the person of the first informant.

The record indicates that the incident in question has taken place on 25.10.2017 and the first information report was lodged belatedly on 16.12.2017. The first informant in his supplementary statement dated 30.12.2017 i.e. after a gap of 14 days of the earlier statement has improved his version and has stated that, the amount of Rs.40,000/- mentioned in the first information report was incorrect amount, as a matter of fact an amount of Rs.40 Lacs was robbed from his possession by the applicant and other accused-persons.

5. *Prima facie* it appears that the prosecution has not explained the delay in lodging FIR and the improvement made by the first informant in his supplementary statement, which is recorded after a

gap of 14 days and the same will have to be explained by the prosecution at the time of trial.

6. In view of the above, applicant can be released on bail.

Hence, the following order.

(a) In the event of arrest in C.R.No.I-374/2017 dated 16.12.2017 registered with Vartak Nagar Police Station, Thane, the applicant shall be released on bail 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 Vartak Nagar Police Station, Thane, on every alternate Monday between 11.00 a.m. to 1.00 p.m. initially for a period of six months and thereafter every first Monday of the month till the conclusion of trial.

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

(d) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)