

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

BAIL APPLICATION NO.1235 OF 2018

Sachin Narayan Shejal Applicant
 Vs.
The State of Maharashtra Respondent

Mr. Priyal Gopaldas Sarda for the Applicant.
Mr. Rajan Salvi, APP for the State.

Coram : Smt. Sadhana S. Jadhav, J.
Date : 21st June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP.

2 This is an application under Section 439 Code of Criminal
Procedure. The applicant herein is arrested on 25th October 2017 in
Crime No.149 of 2016, registered at Mhaswad Police Station, District
Satara, for the offences punishable under Sections 395, 75 of the
Indian Penal Code and under Sections 3, 25 of the Arms Act.

3 It is the case of the prosecution that the accused was arrested in Crime No. 11 of 2017 and while in police custody, he had disclosed to the police that on 7th October 2016, he alongwith his friend i.e. the co-accused had committed dacoity at Mhaswad. That the F.I.R. was lodged by Jagannath Pandurang Mane on 8th October 2016. He was absconding.

4 Learned APP submits that one of the co-accused was apprehended on the spot and the said accused had disclosed the name of the present applicant. That the present applicant had specifically disclosed to the police that out of the total looted amount, he had received Rs.40,000/-. He had borrowed hand-loan from some people and he had returned the same. Besides statement of the applicant is a part of the charge-sheet and is signed by the accused-applicant in violation of Section 162 Cr.P.C. The said application is annexed to the charge-sheet as if to say, it is the application under Section 161 Cr.P.C. All that is disclosed in the statement of the accused is not corroborated by any other material

in the compilation of the charge-sheet. It is a matter of record that there is no recovery at the instance of the applicant. Learned APP submits that the applicant was absconding since 8th October 2016 and was arrested on 25th October 2017 i.e. practically after a year of the alleged incident and therefore, he does not deserve to be enlarged on bail.

5 Learned counsel for the applicant submits that in all probabilities, the applicant was not even aware that he has been charge-sheeted in the offence, on the basis of which the present crime was registered.

6 Taking into consideration the papers of investigation and the submissions advanced across the bar, this Court is of the opinion that the applicant has made out a case for grant of bail.

7 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial.

Hence, the order :

ORDER

- i) The application is allowed.
- ii) The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.
- iii) The applicant shall report to Malshiras police station on every Sunday from 10.30 am. to 1.00 pm. for the first six months and thereafter on every alternative Sundays between 10.30 to 1.00 pm. till the conclusion of the trial.
- Iv) Upon failure to attend any two consecutive dates, the prosecution would be at liberty to file an application under Section 439(2) of Cr.P.C.

(*Smt. Sadhana S. Jadhav, J*)