

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

BAIL APPLICATION NO. 1746 OF 2018

1. Vishal Ambadas Manjulakar

2. Sagar Ashok Waghmare

....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Abhay Kumar Apte for the applicants.

Mr. S.H. Yadav, APP for the State.

Mr. Sagar S. Patil, PSI, Pimpri Police Station, Pune, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th SEPTEMBER, 2018.

P.C.:

. Heard Mr. Abhay Kumar Apte, learned counsel for the applicants and Mr. S.H. Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

2. This is an application under Section 439 of Criminal Procedure Code filed by the aforesaid applicants, who have been arrested in C.R.No.108/2018 registered with Pimpri Police Station, District Pune for offences punishable under sections 395, 427, 504 of the Indian Penal Code and under section 3 and 7 of Criminal Law Amendment Act

and under section 37(1) r/w. 135 of Maharashtra Police Act.

3. The aforesaid crime was registered pursuant to the first information report dated 14/02/2018 lodged by Nitin Madhav Chilekar. The first information report *prima facie* indicates that on 13/02/2018 while the first informant was in his shop, these applicants alongwith the co-accused entered his shop, went to the counter and removed cash of Rs.4,300/- from the drawer. It is alleged that these applicants and other co-accused were armed with danda/sticks and that they had abused and assaulted the first informant. They had threatened the first informant in case he shouted for help. The applicants and other co-accused left the shop and damaged three cars which were parked outside the shop. It is also alleged that they had broken glass panes of the adjoining office and had thus caused damage to the tune of Rs.60,000/-.

4. It is to be noted that the investigation is completed and the charge sheet is already filed and presence of the applicants is no longer required for the purpose of investigation. Mr. S.H. Yadav, learned APP concedes that there are no criminal antecedents as against the applicants. It is seen that the applicants are young boys who are about

19 years of age and detaining them in custody may turn them in hardened criminals.

5. Mr. Abhay Kumar Apte, learned counsel for the applicants submits that the applicants will given an undertaking before the Trial Court that they will not indulge in such unlawful activities while they are on bail. Statement is accepted.

6. Considering the above facts and circumstances and particularly the age of the applicants, in my considered view, this is a fit case of grant of bail. Hence, the Bail Application is allowed on following terms and conditions :-

(a) The applicants who are arrested in C.R.No.108/2018 registered with Pimpri Police Station, Pune are ordered to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two solvent sureties in the like amount.

(b) The applicants shall report to the Senior Police Inspector, Pimpri Police Station, Pune on every Monday and Thursday of a month between 10:00 a.m. to 12:00 p.m., until further orders.

(c) The applicants shall furnish their permanent address and temporary address, if any, and their contact details to the concerned Court.

(d) The applicants shall not change their residential address without prior intimation to the concerned Court.

(e) The applicants shall not interfere with the first informant and other witnesses in any manner and shall not tamper with the evidence and shall not indulge in unlawful activities while on bail.

(SMT. ANUJA PRABHUDESSAI, J.)