

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

BAIL APPLICATION NO. 2097 OF 2018

1. Ravi Jairam Gunjala
2. Essak James

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Anilkumar K. Patil a/w. Pankaj Pandey for the Applicant.
Mr. Rajan Salvi APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : SEPTEMBER 27, 2018.**

P.C.

1. This is an application for bail under Section 439 Cr.P.C. filed by the aforesaid applicants, who have been arrested in C.R.No.71 of 2018 registered by Chavani Police Station, Malegaon, Nashik for offences under Section 393 r/w. 34 of IPC.

2. Heard Mr. Patil, the learned Counsel for the applicant and Shri Salvi, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsels for the

respective parties.

3. The records prima facie reveal that the aforesaid crime was registered pursuant to the FIR lodged by Shekhar Bhamre. A perusal of the FIR prima facie reveals that on 8th May, 2018 at about 10.30 a.m. the first informant had withdrawn cash of Rs.2,10,000/- from HDFC Bank, Satana Naka, Malegaon Branch. The first informant had stated that he had put the said cash in a plastic carry bag and while he was keeping the said plastic carry bag in the dicky of his motor-cycle, two persons came near him and snatched the bag from his hands. He has stated that he raised an alarm and the people who had gathered at the place of incident chased the said two persons and the said two persons were caught by the public while running away with the cash.

4. The first information report does not prima facie indicate that the applicants herein had either caused or admitted to cause hurt to the first informant or that they had put him in fear of instant death or hurt or wrongful restraint. In my considered view, the material on

record does not disclose the essential ingredients of robbery within the meaning of Section 390 of IPC. The applicants are the residents of Tamil Nadu and Andhra Pradesh. The learned Sessions Judge has rejected bail mainly on the ground that the applicants may not be available for trial. In this regard the apprehension of the prosecution can be alleviated by imposing stringent conditions. The learned APP submitted that the applicants do not have any criminal antecedents.

5. Considering the above facts and circumstances and also considering the fact that the applicants are in custody and that the investigation is complete, in my considered view, this is a fit case for releasing the accused on bail. Hence, the order:-

- (i) The application is allowed;
- (ii) The applicants who are arrested in C.R.No.71 of 2018 registered by Chavani Police Station, Malegaon, Nashik, are ordered to be released on bail on the applicants furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand Only) each with one or two

local solvent sureties in the like amount;

(iii) The applicants shall report to the Chavani Police Station, Malegaon, Nashik on the first and third Saturday of every month until further orders;

(iv) The applicants shall provide their permanent as well as temporary address, if any, and their contact details to the Investigating Officer and in the bail bond;

(v) The applicants shall not change their residential address without prior intimation to the Investigation Officer;

(vi) The applicants shall not leave the jurisdiction of Nashik District without prior permission of the Court.

Digitally
signed by
Prasanna
Pradeep
Salgaonkar
Date:
2018.09.29
17:13:09
+0530

Prasanna
Pradeep
Salgaonkar

(ANUJA PRABHUDESSAI, J.)