

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

BAIL APPLICATION NO.2160 OF 2018

Vidhyadhar Ravindra Parab

.. Applicant

Vs.

State of Maharashtra

.. Respondent

.....
Mr.Amit D. Hire, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : NOVEMBER 27, 2018.

P.C. :

This is an application for bail in connection with C.R.No.206 of 2018, registered with Goregaon Police Station, Mumbai, on 6th April, 2018, for the offence punishable under Section 395 of Indian Penal Code (“IPC”, for short). The applicant was arrested on 9th April, 2018.

2 The prosecution case is that on 6th April, 2018, when the complainant was present at his place, unknown persons made inquiries about Ajay Shukla. At that time 7 to 8 persons came inside the house. One of them called from the complainant's mobile phone and informed that they are in the office of Ajay

Shukla and if he does not make payment, they will assault the complainant and disconnected the phone. Thereafter, the said person inquired about Ajay Shukla and after knowing that the complainant is not responding, they assaulted him. Since the complainant did not respond. They took away electronic articles. The value of the articles was Rs.58,000/-.

3 There are three eye witnesses to the incident. There is recovery at the instance of the co-accused. Prosecution is relying upon statement of Mohammad Ibrar Mohammad Kasim, recorded on 6th April, 2018 and the other eye witnesses. It is not the case of the prosecution that the applicant was identified as a person who had entered into the premises and committed dacoity. There is no recovery at the instance of the applicant. The articles viz. electronic items were recovered at the instance of the co-accused, who has been arrested and is in custody. There are no reported antecedents against the applicant. There is no other corroborative evidence to indicate that the applicant was present at the place of incident. The applicant has been arrested and he is in custody since then. The investigation is completed and charge - sheet has been filed. Case for grant of bail is made out.

4 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2160 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R. No.206 of 2018, registered with Goregaon Police Station, Mumbai, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant is directed to report Goregaon Police Station, Mumbai, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon, till further orders;
- (iv) Applicant shall to attend the trial Court on the date of hearing regularly, unless exempted by the Court;
- (v) Bail Application No.2160 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)