

Dond

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

BAIL APPLICATION NO.2436 OF 2018

Suraj @ Shilya Ashok Mhaske

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. P.G. Sarda, for Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 3rd December 2018.

P.C.:

1] This is an application under Section 439 of Cr. P.C. for bail in CR No. 466 of 2017 dated 24.11.2017 registered with Khadak Police Station, Pune under Section 394, 395, 397, 120(B) read with 34 of the Indian Penal Code, section 4(25) of Arms Act and section 37(1) read with 135 of Maharashtra Police Act.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the chargesheet.

3] The first information report is lodged by Shri Yogesh Oswal. It is the prosecution case that, the applicant along with other accused persons kept watch on the movements of the first informant with a view to commit

robbery and on 24.11.2017 when the first informant closed his shop and was returning to his house with a bag in his hand, the accused persons initially threw chilly powder in his eyes and the applicant assaulted first informant with a sickle on his head and all accused persons committed robbery of the said bag containing cash of Rs.30,000/-. During the course of investigation, the applicant came to be arrested on 28.11.2017 and after completion of investigation the police have submitted chargesheet.

4] It is the allegation against the applicant that, he under the direction of accused-Akshay Gaikwad procured chilly powder used in the present crime. Perusal of the chargesheet would reveal that, the only material available against the applicant is in the form of recovery of Rs.3200/- in furtherance of discovery panchanama dated 25.11.2017 under section 27 of Evidence Act. That there is no specific marking and/or cover on the said currency notes to infer that, it is the same currency which was robbed by the applicant from the person of the first informant. The record indicates that, there are no antecedents at the discredit of the applicant.

5] In view thereof, the applicant can be released on bail.

Hence the following Order:-

i] Applicant be released on bail in CR No. 466 of 2017 registered

with Khadak Police Station, Pune on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] After his release from jail, the Applicant shall attend the Khadak Police Station on every 1st Monday of the month between 10.00 a.m to 2.00 p.m and to join the process of investigation till conclusion of trial.

iii] Applicant shall also attend all the dates before the Trial Court.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)