

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

**CRIMINAL BAIL APPLICATION NO. 2496 OF 2018**

|                         |                |
|-------------------------|----------------|
| Sachin Bahadur Karotiya | ... Applicant  |
| Vs.                     |                |
| State of Maharashtra    | ... Respondent |

...

Ms. Meghna A. Gowalani for the applicant.  
Mr. A.R. Kapadnis, APP for the Respondent-State.

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**CORAM : PRAKASH D. NAIK, J.**  
**DATE : 30<sup>th</sup> NOVEMBER, 2018.**

**P.C.**

1. Applicant is seeking bail in connection with C.R. No. I-298 of 2017 registered with Central Police Station, Ulhasnagar, District Thane for offence under Sections 395, 397, 427 of Indian Penal Code. FIR was lodged at 27<sup>th</sup> September, 2017 alleging that five to six persons had entered into the shop premises of the complainant and one of them was armed with knife and showed the knife to the informant and forcibly took the amount of Rs.1,870/- from the drawer of the counter of the shop. He also entered neighbouring shop and forcibly removed the shirt which was put on the statute. It is also alleged that one of the accused assaulted by wooden log. Investigation is completed and the chargesheet has been filed.

2. Learned counsel for the applicant submitted that applicant was arrested on 27<sup>th</sup> September, 2017 and since then he is in custody. It is submitted that the only role allegedly with the applicant is that he is armed with knife. However, the knife was not used. Accused Ishwar Walmiki who was purportedly armed with wooden stick had assaulted one of the witness has been granted by the Sessions Court. It is further submitted that other accused Rocky Karotiya was granted anticipatory bail vide Anticipatory Bail Application No. 822 of 2018 by this Court on 23<sup>rd</sup> April, 2018 and confirmed on 15<sup>th</sup> June, 2018. It is submitted that the statement of all witnesses are identical. One of the witnesses stated that the accused were demanding heavy discount. However, the demand was not fulfilled, they threatened the shop keepers. Hence, shop keepers decided to lodge the complaint. Therefore, shopkeepers have approached the police to initiate the action against the accused.

3. Learned APP submitted that the applicant has been identified as the person who entered into the shop. He was armed with the knife. He has been attributed specific overt act. Accused are indulging in the activities of robbery and extortion. There are criminal antecedents against the applicant. It is therefore prayed

that the application be rejected.

4. I have perused the documents on record. The alleged incident occurred on 26<sup>th</sup> October, 2017. The case of the prosecution is that the amount of Rs. 1870/- was forcibly taken by the accused and the shirt valued Rs.400/- was also taken by the accused. It is not the case of the prosecution that applicant had assaulted any witness. Role of assault by wooden log was attributed to Ishwar Walmiki who has been granted bail by the Sessions Court. In the year 2011, 2012 and 2016 the offences were registered under Sections 324 and 323 of Indian Penal Code and the offence in the year 2017 was under Section 186 of Indian Penal Code against the applicant. Applicant is in custody since 26<sup>th</sup> October, 2017, thus he is under detention for almost one year. In the circumstances, bail can be granted to the applicant on certain terms and conditions. Hence, I pass the following order.

#### **ORDER**

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. I-298 of 2017 registered with Central Police Station, Ulhasnagar, Dist. Thane on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- iii. Applicant shall not enter within the jurisdiction of Central Police Station Ulhasnagar, Dist. Thane till the conclusion of trial;
- iv. Applicant shall furnish address of his residence to the investigating officer after he is released on bail;
- v. Applicant shall not tamper with evidence;
- vi. Applicant shall attend the dates of hearing before the Trial Court, unless exempted by the Court;
- vii. Criminal Bail Application stands disposed off.

( PRAKASH D. NAIK, J. )