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

CRIMINAL BAIL APPLICATION NO.2896 OF 2017

1.	Gopal Kumar Raju Mahanto	
2.	Durga Monturam Kahar	...Applicants
	Versus	
	The State of Maharashtra	...Respondent

Mr.L.M.Shukla, for the Applicants.

Mr.S.S.Hulke, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 9th APRIL, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicants seek their enlargement on bail in connection with C.R.No.65 of 2017 registered with the Bandra Railway Police Station, for the alleged offences punishable under Sections 379, 356 of the Indian Penal Code.

3. Perused the charge-sheet. According to the prosecution, one accused – Deepak snatched a gold chain from the complainant's person, from a running train (ladies compartment). It appears that when the applicants were arrested several high end mobile phones were seized from their possession and that no satisfactory explanation was given by them. It is informed that there are 10 similar cases registered as against applicant no.1 and there are 3 similar cases registered as against the applicant no.2. It appears that the complainant's gold chain has been recovered at the instance of applicant no.1. It appears that even earlier, in addition to the 10 cases, there were 10 cases registered earlier, as against applicant no.1, which have been compounded. The aforesaid offence was committed by the applicant no.1, whilst on bail. Considering the *prima facie* material against the applicant no.1 and his antecedents, the applicant no.1's prayer for bail is rejected. As far as applicant no.2 is concerned, there is no recovery of any article involved in the present C.R, except recovery of high end mobile phones. Accordingly, the application is partly allowed, on the following terms and conditions:-

ORDER

- i) The Applicant No.2 be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two local solvent sureties in the like amount;
- ii) The Applicant No.2 shall attend the concerned Police Station, on 1st and 3rd Sunday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant No.2 shall not leave the jurisdiction of Mumbai and Thane City, without the permission of the Court;
- iv) The Applicant No.2 shall not tamper with the evidence or attempt to influence/contact the complainant, witnesses or any person concerned with the case;
- v) The Applicant No.2 shall co-operate in the conduct of the trial and shall attend the Court on every date given by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant No.2, in the trial Court, within two week's of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court, the prosecution will be at liberty to apply for cancellation of Applicant No.2's bail.

4. As far as applicant no.1 is concerned, considering his age i.e. 18 years, the trial of the applicant no.1 is expedited. The learned Judge to conclude the trial as expeditiously as possible and preferably within 12 months from the date of receipt of this order, considering the maximum sentence, that may be imposed. If the said trial does not conclude within the aforesaid period, for no fault of the Applicant No.1, the Applicant no.1 is at liberty to file a fresh application, which will be considered on its own merits

5. The Application is partly allowed and disposed of in above terms.

6. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)