

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 310 OF 2019**

David alias DJ Mani Lorence	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Aniket Vagal for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. Ganesh B. Kolhal from Mankhurd Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 9th SEPTEMBER 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 151 of 2018 registered with the Mankhurd Police Station, Mumbai, for the alleged offences punishable under Sections 341, 395, 473, 427, 120B of the Indian Penal Code; under Section 25 of the Arms Act and under Sections 37(1)(A), 135 of the Maharashtra Police Act.

3 Perused the papers. According to the prosecution, the applicant, along with his associates, committed dacoity by looting the cash, carried by the complainant-Vaibhav Chavan, in his car. The incident is alleged to have taken place on 13th June 2018 at 4:00 p.m. on the Panvel-Sion Road. It is alleged that the accused brought their car and cut-across and stopped the complainant's car, in which, the complainant was carrying cash. It is alleged that the accused broke the car's windshield with a log and threatened the complainant on the point of pistol and looted cash amount of Rs. 16,58,212/-. As far as the applicant is concerned, the applicant has not been identified in the identification parade. There is no recovery of any weapon or cash at the instance of the applicant. What is stated to be recovered is a mobile phone of the applicant himself. The applicant has no antecedents. The applicant is in custody since 21st June 2018. Investigation is complete and charge-sheet is filed.

4 Considering the role of the applicant, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two local solvent sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m. till the conclusion of the trial;
- (iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall not leave Mumbai/Thane City, without prior permission of the trial Court;
- (v) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details,

if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(vi) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(vii) The applicant shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of his release;

(viii) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

5 The application is accordingly disposed of.

6 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

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

REVATI MOHITE DERE, J.