

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

BAIL APPLICATION NO. 490 OF 2019

Raju Kalidas Pakhare	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Nitesh J. Mohite i/b Mr. Jaydeep D. Mane for the Applicant.
Mr. S.H. Yadav, A.P.P. for the Respondent – State.
Mr. Deepak S. Dalvi, P.S.I. Solapur Taluka Police Station, present.

CORAM : P.N. DESHMUKH, J.

DATED : 18th MARCH, 2019.

P.C. :

1 One of the accused involved in Crime No.601 of 2018 registered with Solapur Taluka Police Station for the offences punishable under Sections 395, 412 of I.P.C. filed this application for bail. Admittedly charge-sheet is filed. Learned Counsel for the applicant submitted that report came to be lodged against unknown 8 to 10 persons aged between 25 to 30 and by referring to statement of one Mohan Sarvade whose reference is in complaint to the effect that amount of Rs.10,000/- was removed from his person submitted that he too has only mentioned age of 8 to 10 persons as mentioned in the report and has, therefore, contended that except for the contention, in the report as well as statement of Mohan

Sarvade, there is no other evidence against the applicant. It is also contended that even in the statement of Munim, no any involvement of applicant can be established for want of his identification. Learned A.P.P. on instructions, submitted that test of identification parade was held wherein Mohan Sarvade has identified applicant as one of the accused to be involved in the present crime.

2 In view of above, learned A.P.P. on instructions makes a statement that except for statement of Mohan Sarvade, there are no other statement involving applicant.

3 In that view of the matter even on considering other statements on record, no involvement of applicant is seen as from other statements what is mentioned is of involvement of 8 to 10 persons having entered to gala and had committed decoit of transformer, meter box and other articles worth Rs.5,09,000/-. Having considered facts of aforesaid, Application is allowed.

ORDER

(i) Applicant in C.R. No.601 of 2018 for the offence punishable under Sections 395, 412 of I.P.C. registered with Solapur Taluka Police Station, shall be released on bail on executing P.R. Bond in the sum of

Rs.25,000/- (Twenty Five Thousand only) with one surety in the like amount;

(ii) Applicant while on bail, shall mark his presence with Solapur Taluka Police Station on the first day of each month initially for a period of six months and thereafter, quarterly on the first day of each such month. Applicant shall attend the trial Court and shall not tamper with witnesses.

(P.N. DESHMUKH, J.)