

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2025 OF 2018**

Kalpesh Agyaram Varma
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Ammar I. Nizami I/b Mr. Mohammed Umar Z. Kazi for the Applicant

Mr. A. R. Kapadnis, A.P.P for the Respondent-State

PSI Mr. R. D. Atigre from Bhiwandi Taluka Police Station, Thane (Gramin), is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26th JUNE 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. I-202 of 2016 registered with the Bhiwandi Taluka Police Station, Thane, for the alleged offences punishable under Sections 395, 397, 341, 201, 412, 120B, 34 of the Indian Penal Code.

3 Perused the papers. According to the prosecution, the applicant along with other co-accused committed dacoity on a vehicle owned by

Supreme Infrastructure Company on 12th September 2016 at 2:50 p.m. on Kalwar-Karivli Road. It is alleged that the accused persons assaulted Abhijit Pawar with sharp edged weapon and looted an amount of Rs. 33.50 lakhs. During the course of investigation, the applicant was arrested and after investigation, charge-sheet was filed. According to the prosecution, an amount of Rs. 1,58,000/- was recovered at his instance. It also appears that the applicant was identified in the identification parade.

4 Learned counsel for the applicant seeks bail on the ground of parity. He submits that identically placed co-accused-Mohammad Nasruddin Akram Khan has been granted bail by this Court vide order dated 20th February 2018. He submits that the said accused was also identified in the identification parade as well as there was a recovery of Rs. 6,17,500/- at his instance.

5 Learned A.P.P does not dispute the fact that the role of the applicant is similar to that of Mohammad Nasruddin Akram Khan, who has been enlarged on bail by this Court vide order dated 20th February 2018. The applicant has no antecedents.

6 Considering the aforesaid, 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 Bhiwandi Taluka Police Station on the first Monday of every month between 11:00 a.m. to 12:00 noon, till the conclusion of the trial, except if the date in the trial Court falls on a Monday;
- (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 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;

- (v) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;
- (vii) 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.

7 The application is accordingly disposed of.

8 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.

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

REVATI MOHITE DERE, J.