

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2456 OF 2019

Sagar Tanaji Vadu

...Applicant

V/s.

The State of Maharashtra

....Respondent

Ms. Mallika Ajay Ingale, Advocate for the
applicant.

Mr. U.M. Nakhawa, APP for State.

API, Mr. S.S. Jadhav, Local Crime Branch, Palghar
present.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 20th November, 2019.

P.C. :

1. Heard learned Counsel for the applicant
and learned APP for State. Investigating Officer is
present.

2. The applicant is seeking enlargement on

bail in Crime No.I-23 of 2019 registered with Vikramgad Police Station, District- Palghar for the alleged offences punishable under Sections 395 of Indian Penal Code read with Sections 3 and 25 of the Arms Act. Out of the five accused, three are absconding. This applicant was arrested on 20th March, 2019. The co-accused who are arrested on 14th July, 2019 has been released on bail on 20th August, 2019 by the learned Sessions Court.

3. On the complaint of one, Kishor Tukaram Patil, the subject crime came to be registered. He alleged that on 27th February, 2019 at 3.30 hours, five unknown persons barged in his house. Three persons were armed with countrymade revolver, one was armed with chopper and another with a gupti. At the gunpoint, the complainant and his family members were forced and threatened to handover the valuables worth around Rs.2,03,000/-.

4. The learned Counsel for the applicant

submits that, the applicant is a Tribal. The chargesheet has been filed. Co-accused to whom similar role is attributed has been released on bail. She seeks release on the ground of parity. She further submits that, the alleged recovery of revolver on the voluntary disclosure by the applicant is from the open place and thus cannot be relied upon. She further submits that, the trial is not likely to commence and conclude within reasonable period. On these grounds, bail is sought.

5. Learned APP has filed Affidavit of Sunil S. Jadhav, Assistant Inspector of Police attached to Local Crime Branch, Palghar. She points out, there is one more crime, being C.R. No.28 of 2018 registered against the applicant under Sections 457, 380 read with Section 34 of the Indian Penal Code at Vikramgad Police Station. She further points out, no incriminating material was recovered from the co-accused who has been released on bail. Learned APP therefore submits that parity cannot be

claimed. She further pointed out the call detail records of the accused. A Chart is placed at page-76 of the compilation. It is submitted that the accused were in contact with each other before the alleged incident. It is submitted that the three accused are absconding. On these grounds, she urged that application may be rejected.

6. I have perused the chargesheet and the Affidavit of the Investigating Officer. The applicant is Tribal and 21 years old. The role attributed to the applicant that he was armed with a fire weapon and threatened the complainant and his family members, is the role also attributed to the co-accused, who has been released on bail.

7. There is no recovery of ornaments by the prosecution. The Memorandum Panchanama shows a revolver was recovered on the disclosure made by this applicant, from the open place.

8. Thus, taking into consideration the nature

of accusation against the applicant and a fact that the co-accused has been released on bail, this applicant is also directed to be released on bail on the following conditions :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant in C.R. No.I-23 of 2019 registered with Vikramgad Police Station is directed to be released on bail on his furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like amount.

(iii) The applicant shall attend the Police Station concerned on each Monday of first week of a month between 10 to 12 a.m. and shall continue to attend for a period of one year.

(iv) The applicant shall furnish the

particulars of his latest place residence and mobile contact number and/or change of residence or mobile details, if any, to the Investigating Officer of the Police Station concerned within seven days from today;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

9. 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.

10. The Bail Application is allowed and disposed off in the above terms.

(SANDEEP K. SHINDE, J.)