

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

CRIMINAL BAIL APPLICATION NO. 2382 OF 2018

Suresh Bhau Shinde	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. Kamlesh Gujar for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State.
Mr. Namdev Parab, PSI, Juhu Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 15th JANUARY, 2019.**

P.C.

1. This is an application for bail in CR No. 292 of 2015 registered with Juhu Police Station for the offence punishable under Sections 342, 397, 395 read with Section 120-B of Indian Penal Code.

2. The case of the prosecution is that the complainant is residing at 371, Jaymata Kutir, Juhu, Mumbai. Said bungalow is owned by his brother. Complainant is taking care of the said bungalow. Accused Sarvan was engaged as a cook in the bungalow. There are about five servants in the bungalow. On 30th July, 2015, complainant took dinner and went to sleep. On 31st

July, 2015, the complainant heard barking of dogs, and, therefore, went out of the room. He found that the door of the room of the servant was open. Hence, he went towards the said room. Six persons came to the said room. One of them assaulted the complainant by sickle. Complainant caught hold of sickle by his hands. However, he sustained injuries. One person dragged the complainant and made him sit near Rahul and Sarvan. Two of them tied hands and legs of the complainant. They also threatened him to keep quiet. Gardner was sleeping on the water tank, who came there after 15 to 20 minutes and released the complainant. The cupboard lying in the office was open. The mobile phone of Rs.15,000/-, two golden chains, rings and four watches were missing and other articles were also found missing. Hence, First Information Report ("FIR", for short) was lodged.

3. Applicant was arrested on 4th November, 2017. On completing investigation, chargesheet has been filed. It is submitted that applicant was in custody in another case from which transfer warrant issued against the applicant and applicant is transferred in the present case. It is submitted by the learned counsel that identification parade of the applicant was conducted by the prosecution on 17th November, 2017 after two years from

the date of alleged incident. All other accused were granted bail. Although, there was recovery at the instance of other accused, they were not identified. Although, the applicant is allegedly identified but there is nothing to indicate that as to what role is played by the applicant. There is no recovery at the instance of the applicant. No further statement of the complainant is recorded in pursuant to the identification parade of the applicant. Considering the aforesaid circumstances, bail can be granted to the applicant.

ORDER

- i Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 292 of 2015 registered with Juhu Police Station on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to the concerned Police Station once in a month on first Saturday between 11:00 a.m. to 1 p.m., till further orders;
- iv. Applicant shall also attend the trial Court during the hearing of the case, unless exempted by the Court for some reason;

- v. Applicant shall not tamper with the prosecution witnesses or pressurize the witnesses;
- vi. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)