

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2603 OF 2019**

Sonu Alias Amit Kapildev Sing	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ganesh K. Gole i/b Mr. Aarif Ali M. Ali for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 16th OCTOBER 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. 32 of 2019 registered with the Tulinj Police Station, Palghar, for the alleged offences punishable under Sections 394, 397, 120B r/w 34 of the Indian Penal Code and under Sections 3, 25 and 27 of the Arms Act.

3 Perused the papers. According to the complainant-Rohit Kale, the incident took place on 8th January 2019 at about 4:45 p.m, when he had gone to empty cash of Rs. 38,00,000/- in the Axis Bank's ATM Kiosk. It is alleged by the complainant that when they were emptying the cash in the

ATM Machine, two unknown persons, with their faces covered, came to the spot; one of them was armed with a pistol and the other with an iron rod. It is alleged by the complainant that one person placed the pistol near his thigh and forcibly took the suitcase containing Rs. 38,00,000/- from him and the other unknown person assaulted the Guard-Birju Paswan, on his head. Admittedly, the applicant was not amongst the said two persons. As far as the applicant is concerned, he is alleged to have been in the vehicle, however, the applicant has not been identified in the identification parade. There is no recovery from the applicant, either of any cash or any weapon. The applicant has no antecedents. Applicant is in custody since 5th January 2019. Investigation is complete and charge-sheet is filed.

4 Considering the aforesaid, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 20,000/-, for a period of six weeks;
- (ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;

(iii) 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, for a period of 12 months from the date of his release;

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

(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 (iii) 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.