

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2831 OF 2019**

Kapil Sampatlal Joshi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Amit Mane for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

PSI Mr. K. D. Sonawane from Crime Branch, Unit-I, Thane, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 14th 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. 124 of 2019 registered with the Kalwa Police Station, Thane, for the alleged offences punishable under Sections 392 r/w 34 of the Indian Penal Code. Subsequently Section 413 was added.

3 Perused the papers. According to the complainant-Manisha More, aged 70 years, the incident took place on 12th March 2019, when she was walking on the street. She has alleged that two unknown persons came from behind on a motorcycle and that one out of the said two persons snatched her *Mangalsutra*. Accordingly, the complainant lodged a

complaint as against two unknown persons. Admittedly, the applicant is not one amongst the said two persons. It is alleged that the two co-accused sold the complainant's *Mangalsutra* weighing 30 grams, to the applicant, a jeweller. What was seized from the applicant are two gold bars (melted), weighing 30 grams and 75 grams.

4 It is informed that there are similar allegations as against the applicant in other C.Rs. It appears that the applicant would accept the gold articles from the co-accused.

5 Be that as it may, having regard to the role alleged to have been played by the applicant and the fact that the applicant is in custody since 20th August, 2019, 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 more sureties in the like amount;

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

- (iii) The applicant shall not commit similar offence;
- (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.

6 The application is accordingly disposed of.

7 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.

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

REVATI MOHITE DERE, J.