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

CRIMINAL BAIL APPLICATION NO.3191 OF 2018

Ganesh Shankar Yemula	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Rohan Hogle i/b Mr.A.A.Sontakke, for the Applicant.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 14th AUGUST, 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-48 of 2017 registered with the Nizampura Police Station, Thane, for the alleged offences punishable under Sections 395 and 397 of the Indian Penal Code.
3. Perused the papers. According to the complainant, the incident took place on 2nd March, 2017 at about 6.15 p.m., whilst he was carrying cash of Rs.4,99,200/- on his scooter, home. According to the

complainant, at the Vanjarpatti Naka bridge, three unknown persons came on the motorcycle from behind and assaulted him on his head with an iron rod and snatched the bag containing cash and fled from the spot. The complainant was thereafter taken to the hospital and thereafter the aforesaid complaint was lodged. As far as the applicant is concerned, he was taken into custody on 21st May, 2018 by Nizampura police, as the applicant was in jail custody in connection with a similar offence. Admittedly, no test identification parade has been held in the present case, although the complaint was lodged as against the unknown persons. There is also an eye-witness to the incident, who has disclosed the role of the unknown persons, in the commission of the offence, however, no Test Identification Parade was held. There is no recovery of any weapon/money, at the instance of the applicant. Apart from antecedents, in the present case, *prima facie*, there is no material as against the applicant.

4. Considering the aforesaid, the applicant is enlarged on bail on the following terms and conditions:-

ORDER

i) The Applicant be enlarged on bail on furnishing P.R. Bond in the

sum of Rs.20,000/- with one or two local sureties in the like amount, if not wanted in any other C.R.;

ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

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

v) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;

vi) An undertaking to the aforesaid clauses (ii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) If there are 2 consecutive defaults either in attending the Police Station or in appearing before the trial Court or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

5. The Application is allowed and disposed of in above terms.

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.