

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3414 OF 2018

Manav Sushil Singh, Age 19 years,
Occ.Student, R/o.3/502, Sadguru Compound,
Near Cinemax, Beverly Park, Kanakia,
Mira Road (E), District Thane.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prashant G. Pandey I/by Akshita Prajapati for applicant.
Mr.M.G.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th January 2019

PC :

1. This is an application for bail in connection with CR No.I-510 of 2018 registered with Kashimira Police Station for offences under Sections 395, 452, 342, 323, 406, 170 and 120-B of Indian Penal Code and under Section 25 of Arms Act. The applicant was arrested on 25th August 2018.

2. The applicant had preferred an application for bail before the Sessions Court which has been rejected on 6th December 2018. It is the case of the prosecution that dacoity took place in the house of one Govind Singh. The accused committed dacoity and looted cash of Rs.4,03,000/-. The first information report was lodged on 6th August 2018. The case of applicant is that his involvement was shown in the supplementary statement recorded on 25th August 2018. Prior to that the applicant's involvement is not revealed in the FIR and even in the statement of the witness who is son of

complainant namely Rishabh Singh. There is variation in the statements of the said witness which was recorded on 26th August 2018. It is submitted that the co-accused Shoaib Mansoor Munshi was granted bail by the Sessions Court vide order dated 30th November 2018. The case of applicant is similar to the said accused. Learned Sessions Judge has refused to grant bail to the applicant on the ground that there is recovery of Rs.40,000/- against applicant. It is submitted that cash recovery of Rs.40,000/- was also made at the instance of accused Shoaib Munshi who has been granted bail by the Sessions Court.

3. Learned APP submitted that the statement of Rishabh singh shows the involvement of applicant and there is recovery of Rs.40,000/- at the instance of applicant. It is further submitted that the applicant is having two antecedents. Learned counsel for applicant, however, submitted on instructions that in one case arising out of CR No.391 of 2018, the applicant has been discharged vide Section 169 of Code of Criminal Procedure. He has tendered report submitted by police before the concerned Court. The other case relates to offence under Arms Act.

4. It is noted that the applicant is in custody from 25th August 2018. The investigation is completed and charge sheet is filed. It is noted that presence of the applicant was disclosed by the witness as stated above in a subsequent statement dated 26th August 2018. The co-accused having similar role, has been granted bail by the Trial Court. In the circumstances case for bail is made out.

5. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3414 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-510 of 2018 registered with Kashmiri Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Kashmiri Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly, unless exempted by the Trial Court for some reason;
- (v) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for a period of six weeks.

(PRAKASH D. NAIK, J.)

MST