

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3430 OF 2018

Anil @ Sandip Dilip Lavate ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Ms.Manisha A.Devkar for the applicant.

Mr.S.S.Hulke, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 23, 2019

P.C.:-

Heard learned counsel for the applicant and learned APP for the State.

2. After his arrest on March 18, 2018 in crime No.81/2018 for offence punishable under sections 392, 397 read with 34 of the Indian Penal Code registered with Natepute police station, District Solapur, the present applicant came to be charge-sheeted.

3. The stolen articles involved in the crime are recovered.

4. Learned APP would point out the antecedents of the

applicant and submits that the application is liable to be rejected.

5. The applicant was detained on March 18, 2018 in the crime in question and there are two more offences registered against him in which he was taken in custody after his arrest in the present crime.

6. In the earlier two crimes i.e. crime No.341/2017 pertaining to Phaltan police station and crime No.52/2016 pertaining to Malshiram police station, there is recovery of mobiles. There are no incriminating material for this Court to infer direct connection of the applicant with the crime in question.

7. Apart from above, in the case in hand, there is no identification parade held. The victim has identified the applicant when he was in police custody.

8. In the aforesaid background and as the applicant is charge-sheeted, the applicant deserves to be released on bail. Hence the order :-

- i) The applicant be released on bail in Crime No.81/2018 for offence punishable under sections 392, 397 read with 34 of the Indian Penal Code registered with Natepute police station, District Solapur, upon furnishing P.R. bond of

Rs.25,000/- with one or two sureties in the like amount;

- ii) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- iii) In case it is noticed that the applicant is involved in similar type of offence, liberty is granted to the prosecution to move for cancellation of bail;
- iv) The application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)