

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

CRIMINAL BAIL APPLICATION NO.3602 OF 2019

Kalyug @ Jagya Sunil Bhosale

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep U. Nikam, for the Applicant.

Mr. S. S. Pednekar, APP for the Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th February, 2020

P.C.:

1. The applicant is arrested in connection with C.R.No.488 of 2018 registered with Miraj Gramin Police Station, District- Sangli, for offences punishable under Sections 395, 397, 427, 452, 504 and 506 of Indian Penal Code ("IPC" for short).

2. The prosecution case is that, on the night intervening 28th November 2018 and 29th November 2018, unknown accused had entered into their house and committed robbery. The complainant and his family members were threatened and the articles including the ornaments were taken away.

3. The FIR was registered on 29th November 2018 against unknown persons. It appears, the custody of the applicant was transferred from another case. On completing investigation charge sheet is filed.

4. On perusal of the documents on record it is apparent that, the accused were unknown to the complainant. The FIR contains description of the accused. The applicant was subsequently arrested. There is a recovery of sword from the applicant.

5. Learned counsel for the applicant however submits that, except recovery of sword there is no other evidence against the applicant. The said recovery is also part of the investigation conducted in another case in which was previously arrested. The recovery shown to be similar.

6. Learned APP submits that, weapon is recovered from the applicant. Three cases were registered against the applicant in the past. He is habitual offender. Learned APP however in fairness submitted that test identification parade was conducted however, applicant was not identified. Learned counsel for the applicant submitted that applicant is acquitted in one case and in two cases he is on bail. For lack of evidence in the present case, he need not be detained further.

ORDER

- (i) Bail Application No.3602 of 2019 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R.No.488 of 2018 registered with Miraj Gramin Police Station, District- Sangli, on furnishing P.R bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned police station once in a month on every first Saturday between 11:00 a.m. to 01.00 p.m. till further orders;
- (iv) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)