

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

CRIMINAL BAIL APPLICATION NO. 541 OF 2020

Puran Dalsingh Parihar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Amresh Sharma a/w. Mr. Sagar Tambe for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE :29th OCTOBER, 2020

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.854 of 2018 registered at Malwani Police Station on 17th July, 2018 under sections 381 r/w. 34 of the Indian Penal Code.

2. The FIR was lodged by one Helen Bareto. She was residing with her family at Malwani. The first informant was having one care taker by name Ratan , who was also looking after

the household work. Two months prior to the incident, he had gone to his native place and in his place he had brought his nephew by name Sagar and his wife Urmila. On 15th December, 2018, the first informant and her family had gone to Goregaon to attend a wedding and when they came back at around 10.30 p.m. , the informant saw that the house was open. The lock of the cupboard was broken and her ornaments and cash were missing. In all property worth Rs.16,64,000/- was missing. Sagar and Urmila were not found in the house and,therefore, FIR was lodged against them.

3. The investigation was carried out and the Applicant was arrested on 25th December, 2018 on the allegations that he had also participated in the robbery. After that the investigation was completed and charge-sheet is filed. The Applicant is in custody since 25th December, 2018.

4. Heard Mr. Amresh Sharma, learned counsel for the Applicant and Mr. S.H. Yadav, learned APP for State.

5. The learned counsel for the applicant submits that there is absolutely no evidence against the present Applicant. He is arrested on the suspicion and there is no admissible evidence against him.

6. The learned APP has produced before me the entire charge-sheet. He submits that there is no other criminal antecedent against the present Applicant.

7. I have considered the submissions and I have also perused the charge-sheet. In the statement of the first informant, obvious, suspects mentioned are Sagar and Urmila. A panchnama dated 22nd December, 2018 shows that one Bulbahadur Bohra and Urmila were arrested in this connection and many ornaments were recovered from their possession. On 26th December, 2018, the police recovered a bag at Vashi Police Station which contained the rest of the ornaments. This bag was carried by one lady and three men. However, they could be apprehended, they dropped the bag and absconded from the spot. These articles

were shown to the first informant and the same were identified. Beyond this, there is nothing in the charge-sheet. The identity of the lady and other persons, who were carrying the bag containing all the ornaments is not established. There is no piece of evidence connecting the present Applicant with the crime. Thus, I do not find any evidence whatsoever against the present Applicant in the entire charge-sheet. The Applicant is in custody since 25th December, 2018. The investigation is over. In this view of the matter, the Applicant deserves to be released on bail.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No.854 of 2018 registered at Malwani Police Station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Looking at the prevailing circumstances, it may not be possible to the applicant to furnish sureties immediately. Therefore, initially the applicant is permitted to furnish cash bail for the

same amount. The applicant will have to furnish the sureties, as directed, within three months from today.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)