

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

CRIMINAL BAIL APPLICATION NO. 620 OF 2020

**Vaishali
A. Tikam**

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Rajesh Balu Warlekar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ramprasad Gupta for Applicant.

Ms. Rutuja Ambekar, 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. 249 of 2017 registered at L.T. Marg Police Station on 3rd September, 2017 under sections 452, 342, 395, 397, 506(2) r/w. 34 of the Indian Penal Code and sections 4 and 25 of the Indian Arms Act. The FIR was lodged on 3rd September, 2017 by one Gopikishan Garg. He has stated that at around 3.15 p.m. when he and his wife were in their house, four unknown persons forcibly entered their house. They were carrying knives. They

assaulted the first informant. They overpowered him. They forcibly took the keys of the cupboard and removed Rs.13,00,000/- in cash kept in the cupboard. The informant's mouth was covered with a tape. After committing robbery, they left the house. The first informant somehow rescued himself and started shouting. He tried to chase them but they ran away. The FIR mentions the description of the four persons, who entered their house and other two, who were with them. The Applicant was arrested on 4th September, 2019 and since then he is in the custody.

2. Heard Mr. Ramprasad Gupta, learned counsel for the applicant and Mrs. Rutuja Ambekar, learned APP for the State.

3. The learned counsel for the Applicant submits that in the entire charge-sheet the only one circumstance alleged against the present Applicant is recovery of Rs.70,000/-. He submits that the said amount cannot be directly connected with the alleged incident. He submitted that the Applicant was not identified in any test identification parade.

4. The learned APP, on instructions, fairly stated that the

Applicant was not identified in the test identification parade. She only relied on the circumstance of the recovery of money. She also pointed out that there is one more antecedent against the Applicant.

5. I have perused the charge-sheet. There is only one circumstance against the Applicant i.e. recovery of Rs.70,000/- in cash from his instance. This solitary circumstance cannot be directly connected with the present offence. The Applicant is already in custody since 4th September, 2017. Therefore, he deserves to be released on bail. The Trial Court shall not be influenced by this order while conducting the trial. However, considering that there is one more antecedent against the Applicant, some condition needs to be imposed on the applicant.

5. Hence, the following order :

ORDER

- (i) In connection with C.R. No. 249 of 2017 registered with L.T. Marg 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) The applicant shall report to the concerned police station once in a month till conclusion of the trial.
- (iv) The applicant shall submit his residential address, contact number to the Investigating Officer, before being released on bail.
- (v) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)