

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

BAIL APPLICATION NO.1025 OF 2019

Sunil Ramdev Chaurasiya ... Applicant
Vs
The State of Maharashtra ... Respondents
...

Mr. Deepak Gautam for the Applicant.
Mrs. J.S.Lohakare , APP for the Respondent-State.
Mr. Umesh Waratha attached to Tulinj Police Station
present.

CORAM : SANDEEP K. SHINDE J.
DATE : 12th FEBRUARY, 2020

P.C. :

The applicant is seeking his enlargement on bail in connection with Crime No.I-1087 of 2018 registered with Tulinj Police Station for the offences punishable under Sections 379, 413 read with Section 34 of the Indian Penal Code, 1860.

2 On 27th October, 2018, the applicant was apprehended by a patrolling duty officer having found and noticed that the movements of the applicant were

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suspicious while the applicant was moving in Swift car. The said car was searched wherein twelve car number plates of different numbers were found and when questioned, applicant could not give satisfactory answers. Incidentally, in this crime, complainant had reported theft of his Hyundai Creta Car.

3 The learned counsel for the applicant submitted that since October, 2018, applicant is in custody and the charge-sheet has been filed. Additionally, he submitted that car number plates allegedly found and seized from this car has no connection with the subject crime. It is further submitted that the applicant has permanent roots in the society and would always be available for trial. He, therefore, seeks applicant's release on bail.

4 The learned APP has opposed this application and placed on record criminal antecedents as well as relied on the affidavit filed by the Investigating Officer. Prima-facie, it cannot be overlooked that the applicant

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was involved in the crime of similar nature . Additionally, prosecution has placed on record a chart disclosing particulars of six crimes registered against the applicant under Section 379 of the IPC, i.e., theft of cars. It is submitted, number plates, which were found in the car of the applicant when he was apprehended were similar number plates related to the offences registered against the applicant as specified and described in the charge-sheet. Therefore, it is submitted that since the applicant has propensity to commit offences of similar nature, he may not be released on bail.

5 It is true that the applicant has criminal antecedents and had allegedly indulged into the offences of similar nature in the past. However, fact cannot be ignored that the applicant has been released on bail in those crimes by the Courts of competent jurisdiction and those orders are in force. That though the number plates allegedly recovered had some

connection or relating to the offences earlier registered against the applicant, that itself cannot be ground to deny bail to the applicant since there is no incriminating material to connect applicant in present crimes. Prosecution is always at liberty to take appropriate steps if aggrieved by the bail orders passed in favour of the applicant in the earlier crimes registered against him.

6 In view of the facts of the case and that since investigation is over and trial is not likely to commence or conclude in near future, application is allowed. Hence, following order:

ORDER

(i) The applicant be enlarged on bail in Crime No.I-1087 of 2018 registered with Tulinj police station, on executing PR Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station twice a month on 2nd and 4th Monday of every month between 11:00 a.m. to 2:00 p.m, commencing from March, 2020 till the charge is framed;

(iii) The applicant shall not tamper with the evidence or

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attempt to influence or contact the complainant, witnesses or any person concerned with the case;

7 The application is accordingly disposed of.

8 It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)