

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

CRIMINAL BAIL APPLICATION NO. 2188 OF 2019

Nikhil Ratan Kamble

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Vikas B. Shivarkar, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the Respondent – State.

Mr. S. R. Rasal, (P.N.) Chakan Police Station, Pimpri Chinchwad,
Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th February, 2020

PC :

1. This is an application for bail in C.R. No. 357 of 2019 registered with Chakan Police Station, Dist. Pune for offences punishable under Section 399, 402 of Indian Penal Code and Section 4 (25) of the Indian Arms Act.

2. The prosecution case is that on 19th February, 2019 the policeman were conducting Nakabandi. The accused were found in the vehicle containing weapons such as knife and sickle. It was suspected that the accused were preparing to commit robbery or dacoity. The investigation proceeded and charge-sheet is filed.

3. Learned counsel for the applicant submitted that the applicant is falsely implicated in this case. The police had drawn adverse

inference without any basis. There was no preparation to commit robbery or dacoity. The applicant is in custody for a period of about one year.

4. Learned APP submitted that the applicant was found in possession of the weapons along with chilly powder in the vehicle in which they were travelling. They were apprehended at about 1.45 a.m. The circumstances shows that they were preparing to commit the robbery/dacoity. There are two antecedents against the applicant registered vide C.R. No. 105 of 2018 under Sections 323, 324, 504 and 506 of Indian Penal Code and C.R. No. 274 of 2019 under Sections 323, 324, 504 and 506 of Indian Penal Code.

5. The applicant were allegedly found in the car with one knife and one sickle. It was suspected that they were planning to commit robbery/dacoity. The applicant is prosecuted for offences of preparation to commit robbery. On the basis of the finding of weapons in the vehicle and knife found on the person of the applicant it was inferred that there was preparation to commit robbery/dacoity. However, beyond that there was no other material to substantiate inferences. At this stage no appropriate finding can be given in that regard. However, considering the fact that the applicant is in custody for a period of about one year, bail can be granted to

the applicant on certain terms and conditions.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No. 2188 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 357 of 2019 registered with Chakan Police Station, Dist. Pune, on furnishing PR. 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 1.00 p.m. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)