

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

CRIMINAL BAIL APPLICATION NO. 2708 OF 2019

Viki Waghmare

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Niranjan Mundargi i/b Mr. Keral Mehta, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd MARCH, 2020

PC :

1. The applicant is arrested on 15th February, 2019 in C.R. No. 587 of 2018 registered with Shahupuri Police Station, Dist. Kolhapur for offences punishable under Section 392, 411, 413 r/w Section 34 of Indian Penal Code.
2. The FIR was lodged on 30th September, 2018. It is alleged that three persons had committed robbery. They took away wallet and the mobile phone of the complainant. During the course of investigation accused were arrested. On completing investigation charge-sheet is filed.
3. Pursuant to the arrest of the applicant supplementary statement of the first informant was recorded, which mentions that

the applicant and other accused were shown to him by the police as the person who had committed robbery. The complainant identified them at the police station. There is no other incriminating circumstances to show the involvement of the applicant in the crime. Articles were recovered from the co-accused.

4. Learned APP submitted that the applicant is habitual offender. Six cases were registered against him. The applicant has been identified by the complainant. In the memorandum statement of the co-accused during the recovery, the involvement of the applicant has been disclosed as the person who is sold the cell phone. The FIR was registered against unknown person. There is no Test Identification Parade. The accused were shown to the complainant. The statement of the co-accused pleading to recovery cannot be used against the applicant. There is no other legally admissible evidence against the applicant. There are antecedents against the applicant. However, considering the nature of the evidence against the applicant in the present case, on certain terms and conditions bail can be granted to him.

5. Hence, I pass the following order :

ORDER

- i) Bail Application No.2708 of 2019 is allowed;

- ii) The applicant is directed to be released on bail in connection with C.R. No. 587 of 2018 registered with Shahupuri Police Station, Dist. Kolhapur 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 stay out of jurisdiction of Shahupuri Police Station, Kolhapur till conclusion of trial. He shall enter the area to attend Court and and Police Station.
- iv) The applicant shall furnish details of his residence after he is released on bail to the Investigating Officer.
- v) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court.
- vi) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)