

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

CRIMINAL BAIL APPLICATION NO. 3124 OF 2019

Sandeepkumar Sansar Bahadur Singh ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Sandeep Mishra, Advocate for the Applicant.
Mr. S.R. Agarkar, APP for Respondent-State.
Mr. S.D. Salekar, A.S.I., Kalwa Police Station .

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CORAM : SANDEEP. K. SHINDE, J.
DATE : 17th FEBRUARY, 2020.

P.C.

Heard.

1. Applicant is seeking enlargement on bail in Crime No. I - 310 of 2019 registered with Kalwa Police Station for the alleged offences punishable under Sections 393, 395, 398 and 120 (B) of the Indian Penal Code, 1860 ("IPC" for short) alongwith Sections 3, 25 of the Indians Arms Act and Sections 37(1), 135 of the

Maharashtra Police Act.

2. Perused the final report. On the report of complainant, who is the owner of a jewellery shop, an offence under Section 393 was registered (attempt to commit robbery) on 28.06.2019. The complainant had reported that on 27.06.2019 at about 09:45 pm., when she was about to close her shop, three unknown person entered into the shop and attempted to rob the complainant. Therefore, she resisted their attempts and tried to call for help. Complainant had further reported, that she was informed by the neighboring shop owners that one more person wearing white colour full shirt was waiting outside the shop and after the incident had ran away from spot leaving his motor cycle over there. The fourth person who was wearing full white shirt is the present applicant. The Test Identification Parade was held on August, 2019, in which applicant was not made a part of the parade.

3. The learned APP has relied on CCTV footage

which shows at the relevant time, the applicant was present outside the shop of the complainant. Save and except this evidence, there is no any other material to connect the applicant with the present crime.

4. Learned APP on instructions, submits that there are no criminal antecedents against the applicant. However it appears, the applicant is a native of other State. The investigation in this case is over and the trial may not commence in the near future. Though the applicant is from the other State, his presence for trial can be secured by imposing conditions.

5. In view of the facts of the case and the material available on record, the applicant is directed to be released on bail on the following conditions.

ORDER

(i) The applicant is directed to be released on

bail on executing P.R. Bond for the sum of Rs.25,000/- with one solvent local surety in the like amount;

(ii) The applicant shall report to the Investigating Police Station, once in a month on Monday of 1st week commencing from March 2020 between 11:00 am to 01:00 pm. till the charge is framed;

(iii) The applicant shall furnish the particulars of his current residential address as well as address of his native place and contact details to the investigating officer within seven days from the date of his release on bail;

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6. The application is allowed in the aforesaid terms and disposed off.

7. It is made clear that observations made hereinabove shall be construed as an 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.*)_