

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3533 OF 2019

Amol Dattu Lokhande	...Applicant
V/s.	
The State of Maharashtra	Respondent

Ms. Meghna A. Gwalani, Advocate for the applicant.
Mr. S.R. Agarkar, APP for Respondent-State.
Mr.M.V. Pingale, API, Property Cell, Crime Branch,
Thane City.

CORAM : SANDEEP K. SHINDE, J.

Friday, 24th January, 2020.**P.C. :**

Heard.

1. It is an application under Section 439 of the Code of Criminal Procedure, 1973.
2. Applicant is accused in Crime No.739 of 2018 in connection with the alleged offences punishable under Section 392 read with 34 of the Indian Penal Code, 1860 ("IPC" for short).
3. It is submitted that, out of four, accused no.3 has been released on bail by this Court on 04.11.2019.

4. The lodged robbery was committed on 26.12.2018 and the report was lodged against the three unknown persons, who came to be arrested on 29th December, 2018. It may be stated that the applicant was not present at the scene of the offence. The other accused were identified in the test identification parade, therefore, it is contention of the applicant that in absence of evidence and in view of the fact that investigation is over and the accused no.3 from whom, the recovery has been effected, has been released on bail, therefore, this applicant may also be released on bail.

5. I have perused final report. Admittedly, the evidence does not show presence of the applicant on the spot of the incident and it appears that this applicant was in contact with the other accused and that this applicant had given the credible inputs about the complainant to the other accused. Evidence also indicates this accused after the incident, had gone to Shirdi with the other accused.

6. Be that as it may it is seen that this applicant was not present on the spot of the incident and the co-accused from whom the recovery has been effected has been released on bail, alongwith the fact that investigation is over, and in furtherance of absence of any criminal antecedents, 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.50,000/- with one or more sureties in the like amount;

(ii) The applicant shall attend the concerned police station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. till the conclusion of trial ;

(iii) The applicant shall furnish the particulars of his residential address as well as permanent address and contact details to the

investigating officer within seven days from the date of his release on bail;

(iv) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

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

(vi) The applicant shall file an undertaking with regards to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there are two consecutive defaults either in attending the Police Station, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail;

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

8. It is made clear that the observations made hereinabove shall 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.)