

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

CRIMINAL BAIL APPLICATION NO.2507 OF 2021

1. Amit Sharnappa Bhosale	
2. Suraj @ Safaru Sharnappa Bhosale	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Shivaji Masal i/b Mr. Ritesh Thobde for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.

WEDNESDAY, 6th OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek their enlargement on bail in connection with C.R. No. 301/2020 registered with the Mandrup Police Station, Solapur, for the alleged offences punishable under Sections 395, 397 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Rahul Bhaval, on 2nd October 2020, he met his cousin-Nagesh, who told him that

his friend Mallesh had called him and offered gold at a lower price. Pursuant thereto, the complainant, trusting Mallesh, went to Kandalgaon, alongwith Satish Ugale, Nagesh Bhaval, Shambhu Ukarande, Vishnu Bhaval and Santosh Suryavanshi at about 5:30 p.m in a Swift Dezire Car. After they reached Kandalgaon, Mallesh called the complainant and asked him to come, at the road going towards Kamati. The complainant has stated that when they went near the said road, they found that two persons were standing there and suddenly three more persons came there and started assaulting them from behind. Some of the persons are alleged to have assaulted with sword. In the said assault, one Shambhu Ukarande is stated to have sustained an injury. The complainant and Nagesh Bhaval are also alleged to have sustained injuries. According to the complainant, the said persons took away an amount of Rs. 600/- and mobile from his shirt as well as Rs. 10,000/- from Nagesh's pocket as well as mobile phones from Nagesh and Shambhu's pockets.

4 Admittedly, the applicants have not been named in the FIR. There is no recovery of any article at the instance of the applicants. It appears that the applicants were not put up in the test identification parade and hence, the question of identifying the applicants would not arise.

Prima facie, the applicants stand on a better footing than the co-accused - Mallappa Dahiram Bhui @ Bhoi and Mallikarjun Maruthi Bhajetri @ Mallesh Mane and, who have been released on bail by this Court (Coram : S. K. Shinde, J.) vide order dated 7th April 2020, in Bail Application No. 675/2021.

5 *Prima facie*, there appears to be no material to connect the applicants with the alleged offence and therefore, merely because the applicants have antecedents, the applicants cannot be detained.

6 Considering the aforesaid, the application is allowed and the applicants are enlarged on bail, on the following terms and conditions :

ORDER

(i) The applicants be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- each, with one or more local sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station on the first and third Saturday of every month between 10:00 a.m. to

12:00 noon, for a period of 12 months from the date of their release and thereafter, on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial;

(iii) The applicants shall not leave Solapur District, without the permission of the trial Court;

(iv) The applicants shall inform their latest place of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

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

(vii) The applicants shall file an undertaking with regard to clauses (ii) to (vi) in the trial Court, within two weeks of their release;

(viii) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicants' bail.

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

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.