

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

BAIL APPLICATION NO.63 OF 2020

Ganesh Ramesh Zende	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Kishor Maru, Advocate for the Applicant.

Ms.Anamika Malhotra, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 17, 2021.

P.C. :

The applicant seeks his enlargement on bail in connection with C.R.No.I-739 of 2018, registered with Manpada Police Station, Thane, for the alleged offences punishable under Section 392 read with 34 of Indian Penal Code.

3 Learned APP opposed the application. He submits that there are similar cases registered as against the applicant i.e. 6 cases. Learned counsel for the applicant, however, submits that he is not arrested in any of those cases.

4 Perused the papers. According to the complainant, on 26th December, 2018, he was carrying a sum of Rs.1,10,000/-,

given to him by his employer, for handing it over to one Uday Gawde. He was riding on his scooter. He was obstructed by two persons. They snatched the bag carrying amount and ran away. FIR was lodged against unknown person. In the supplementary statement dated 27th December, 2018, he stated that he was carrying a sum of Rs.12,91,000/-. All the three accused in the said case were arrested on 29th December, 2018. Rs.4,81,000/- were covered from Gurpreet Singh. There is recovery of Rs.3,20,000/-, at the instance of the applicant. Rs.3,41,000/- were recovered from another accused. It appears that in the Test Identification Parade, the applicant was identified by the complainant/first informant. The role of the applicant is similar to that of the co-accused Gurpreet Singh who has been enlarged on bail by this Court (Coram : S.K. Shinde, J.) vide order dated 4th November, 2019. It appears that Gurpreet Singh was also identified in the Test Identification Parade and there was recovery of Rs.4,81,000/-, at his instance.

5 On the ground of parity, the application can be allowed.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.63 of 2020, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.I-739 of 2018, registered with Manpada Police Station, Thane, on executing P.R. Bond in the sum of Rs.50,000/-, with one or more local sureties in the like amount;
- (iii) Applicant shall attend the concerned police station on first Saturday of every month between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- (iv) The applicant shall inform his latest place of residence and mobile contact number 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) Applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

- (vi) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (vii) Applicant shall file an undertaking with regards to Clauses (iii) (iv) in the trial Court, within two weeks of his release;
- (viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail;
- (ix) The application is allowed in the aforesaid terms and is accordingly disposed of;
- (x) 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;
- (xi) All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

(PRAKASH D. NAIK, J.)