

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

BAIL APPLICATION NO.563 OF 2020

Sanjay Alias Manoj Ramlal Yadav .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr.Dinesh Tiwari a/w. Mr.Ansh Karnawat, Mr.Mikhail Dey and Rajni Mishra i/b. M/s.Dinesh D. Tiwari and Associates, Advocate for the Applicant.

Mr.Y.M. Nakhwa, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 10, 2021.

P.C. :

This is an application for bail in connection with C.R.No.32 of 2019, registered with Tulinj Police Station, District-Palghar, for the offences punishable under Sections 394, 397 and 120-B read with 34 of Indian Penal Code ("IPC", for short). The applicant was arrested on 3rd March, 2019.

2 The prosecution case is that on 8th January, 2019, while amount was deposited in the Axis Bank ATM kiosk, two unknown persons barged into the ATM center. One of them was holding iron rod and the other was holding pistol. The watchman

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Aher**

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was assaulted by iron rod and pistol was pointed at one of the witness. The bag containing an amount of Rs.38,00,000/-, was taken away. The FIR was lodged on 8th January, 2019. Investigation proceeded. During investigation, three persons were arrested. It is alleged that there is recovery of Rs.3,00,000/-, at the instance of the applicant. Charge-sheet is filed.

3 According to prosecution, the applicant was the person who had snatched the bag containing the amount. All the accused ran away from the place of incident.

4 The co-accused Sonu Alias Amit Kapildev Sing who was purportedly sitting in the vehicle at the time of incident had been granted bail vide order dated 16th October, 2019. Accused Sourabh Avadhbihari Sing who was present at the scene of the offence and attributed alleged role of assaulting the witnesses by iron rod, has been granted bail by the Sessions Court vide order dated 7th November, 2019.

5 Learned advocate for the applicant submitted that the FIR was lodged against unknown persons. There is no test identification parade to identify the accused. The co-accused are

already granted bail. The applicant is in custody from 8th March, 2019. There are no criminal antecedents against him.

6 Learned APP submitted that the role attributed to applicant is that he snatched the bag containing cash. Statement of Prabhakar Mourya dated 8th January, 2019, mention that on 8th January, 2019, the residents of his chawl, namely, Pappu Alias Surendra Yadav, his friend Sanjay (applicant), Sourabh and one more person got down from the vehicle. Their faces were covered with cloth. They entered into the room. They were carrying one bag. Thereafter, all of them left the place in the vehicle. Police reached the spot. However, by that time the accused had fled from the vehicle. There is recovery of Rs.3,00,000/-, at the instance of the applicant.

7 It is pertinent to note that the FIR was lodged against unknown person. There is no test identification parade. It is debatable that the cash allegedly recovered from the applicant is the cash involved in this case. The two other persons who are involved in this crime and are released on bail by this Court and Sessions Court. The applicant is in custody from 9th March, 2019. It is not disputed that there are no criminal antecedents

against the applicant. Hence, bail can be granted on certain conditions.

8 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.563 of 2020, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R.No.32 of 2019, registered with Tulinj Police Station, District-Palghar, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) The applicant shall attend concerned police station once in month on first Saturday of the month, between 10:00 a.m. to 11:00 a.m., for a period of 12 months from the date of his release;
- (iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses, or any other person concerned with the case;

- (v) The applicant shall inform his latest place of residence and mobile contact number 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;
- (vi) The applicant shall co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (vii) Bail Application No.563 of 2020, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)