

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

CRIMINAL BAIL APPLICATION NO.1056 OF 2021

Vinod Kishan Permar Applicant

versus

State of Maharashtra Respondent

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- Mr.Aniket Vagal, Advocate for Applicant.
- Mr.Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st APRIL, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.23/2020 registered with Nerul Police Station, Navi Mumbai, under sections 380, 454 of the Indian Penal Code. The Applicant was arrested on 23/02/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr.Aniket Vagal, learned counsel for the Applicant and Mr.Ajay Patil, learned APP for the State.

3. The FIR is lodged by one Virendra Amarsingh Kunwar. He has stated that on 13/01/2020, he had left his house at about 01.30 p.m. with his wife to attend their jobs. He was to come back at 07.30 p.m. In the meantime his landlord called him telephonically and told him that lock of his room was broken. The informant rushed to his house and found that theft was committed in his house. The FIR mentions that gold ornaments and some cash totalling Rs.64,000/- were stolen. On this basis, the FIR is lodged.
4. Investigation was carried out, spot panchanama was carried out and the Applicant was arrested. The chargesheet shows that the CCTV footage of building was seized by the police.
5. Learned counsel for the Applicant submitted that the CCTV footage is not shown to any of the witnesses to enable them to fix the identity of the present Applicant. He further

submitted that though the charge-sheet shows that there was recovery from the present Applicant, the charge-sheet does not include that particular panachama. Learned counsel fairly submitted that there were similar antecedents against the Applicant, but he was released on bail in connection with all these offences.

6. Learned APP opposed this application. She submitted that the CCTV footage will have to be taken into consideration during the trial and therefore at this stage, the Applicant cannot be released on bail.

7. I have considered these submissions. The brief facts of the case mentioned, at page No.11 of this application, show that the property worth Rs.58,000/- was recovered at the instance of the present Applicant. However, the charge-sheet does not contain that particular panchanama. In any case, the Applicant is in custody for more than one year. The maximum punishment for the offence under section 380 of IPC is 7 years. Even as per

the prosecution case, out of the property worth Rs.64,000/-, the property worth Rs.58,000/- is already recovered.

8. Therefore in this background, further custody of the Applicant is not really necessary. However, considering the submissions made by learned counsel for the Applicant, since the Applicant has antecedents, some conditions will have to be imposed on the Applicant.

9. Hence, the following order :

ORDER

(i) In connection with C.R.No.23/2020 registered with Nerul Police Station, Navi Mumbai, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) Learned counsel for the Applicant

submitted that the Applicant's two daughters, aged 13 and 6 years, are tested Covid-19 positive. Therefore the Applicant needs to be released immediately, if possible.

At his request, the Applicant is permitted to furnish cash bail for the said amount of Rs.30,000/- for a period of three months from today, during which period, he will have to furnish the sureties as directed.

- (iii) The Applicant shall attend the concerned police station once a month for a period of one year from today.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)