

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1559 OF 2021

Kantibhai @ Kanti Tersing
Bhabhor

..

Applicant

Vs.

The State of Maharashtra

..

Respondent

...

Mr. Mahendra N. Sandhyanshiv for the Applicants.

Mr. Ajay Patil, A.P.P. for the State.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 17TH JULY, 2021.

P.C:-

1. Learned counsel for the Applicant seeks parity with two co-accused, who have been released on bail by this court by its order dated 18/02/2021 in the case of Mando @ Vakil Tersingbhai Bhabhor (Bail Application no.1630 of 2020) and in the case of Nana @ Nanu Agatrao Mandle (Bail Application No.1731 of 2020).

2. The FIR is lodged by one Shubham Gunjal, who was

working as a Security Personnel in K.D. Bhalerao English Medium School, Lakhamapur. On 24/09/2019, at about 3.30 a.m., seven accused came there. All of them had covered their faces with cloths. They gave blows with sticks. They tried to rob him. There was an associate Rajgiri with the first informant. He was caught hold of and beaten. The informant started shouting and resisting. He received some help in the form of other employees of the school, who were residing nearby. The accused ran away from the spot pelting stones towards the first informant. The informant has stated that during the scuffle he removed the masks of at least three persons and he was in a position to identify them. On this basis, the FIR is lodged under Sections 395 and 511 of the IPC.

3. On considering all the material placed on record in the charge-sheet, this court had observed that nothing was stolen in the incident and the injuries that were alleged to have sustained by the informant and his companion were simple. The identification of the accused persons by the said Applicant in the Test Identification Parade was also looked with suspicion since the incident had occurred in the wee hours, when it was still dark and the offenders had covered their faces with masks and it was only during the scuffle, the cloth was removed. Observing that it is a matter of trial, the accused came to be released on bail.

4. In view of the above, there is no reason why the present Applicant is not entitled for the same relief since nothing was stolen and no recovery is attributed to the present Applicant and the position qua the Applicant remains the same as in the case of co-accused Mando Bhabhor and Nana. The Applicant is, therefore, entitled for a similar relief. Hence, the following order:

: ORDER :

- (a) The Applicant – Kantibhai @ Kanti Tersing Bhabhor, shall be released on bail in C.R. No.I-166 of 2019 registered with Satana Police Station, Tal. Satana, Dist. Nashik, on executing P.R. bond to the extent of Rs.20,000/- and furnishing one or two local solvent sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The Applicant shall report to the Satana Police Station, Dist. Nashik, on the first Monday in two

months between 10.00 a.m. 1.00 p.m. till framing of the charge and, thereafter, as per the direction of the trial court.

5. The Application is allowed in the aforestated terms.
6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]