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

BAIL APPLICATION NO. 2068 OF 2021

Ghanshyam Virendrasingh Rajput ...Applicant

Versus

The State of Maharashtra ...Respondent

.....
Mr. S.V. Marwadi a/w. Mr. N.M. Nadar for the Applicant.
Mr. Ameet Palkar, APP for the Respondent-State.

.....
CORAM: V.G.BISHT, J.
DATE: 18TH NOVEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.23 of 2019 registered with Alibag Police Station, Raigad for the offence punishable under Section 392 read with 34 of the Indian Penal Code (the IPC).

2. It is the case of prosecution that on 10th February, 2019 while informant was heading for a marriage function at about 4.30 p.m. two unknown persons came on a motorcycle. The

rider of motorcycle tried to snatch two gold chains from the neck of informant. However, since the informant held one end of the gold chains, it were broken and the broken pieces of the gold chains weighing 17 grams worth of Rs. 51,000/- were taken away by those unknown persons. First Information Report accordingly came to be lodged against two unknown persons.

3. Mr.Marwadi, learned Counsel for the applicant, submits that since the First Information Report was lodged against unknown persons, it was necessary for the investigating officer to carry out test identification parade which admittedly till date has not been carried out. Thus, there is no evidence against the applicant to connect him with the alleged offence.

4. Mr. Palkar, learned APP, on the other hand, fairly admits that no test identification parade is done. Moreover, the applicant is ready to abide by any condition which may be imposed by this Court.

5. Having regard to the fact that the complaint was lodged against unknown persons and at the same time, admittedly, no test identification parade has been carried out so far, there is no *prima facie* evidence on record to show the involvement of the applicant in the alleged offence.

6. Moreover, the applicant by way of his affidavit has given an undertaking that he would attend the concerned police station and as also regularly attend the court proceedings before the trial Court. In view of this, the application deserves to be allowed. Hence, the following order :

ORDER

(i) Applicant- Ghanshyam Virendrasingh Rajput shall be released on bail in C.R. No. 23 of 2019 registered with Alibag Police Station, Raigad on his executing P.R. Bond in the sum of Rs. 25,000/- with one or two surety/ sureties in like amount.

(ii) The applicant shall attend the concerned police station as and when called.

(iii) The applicant shall regularly attend the court proceedings on the dates fixed by the Court except for very genuine reasons.

(iv) The application stands disposed of accordingly.

(V.G.BISHT, J.)