

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

CRIMINAL BAIL APPLICATION NO.2225 OF 2021

Umed Lendya Pawar	
@ Kamesh Shetya Pawar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. N. N. Pawar, for the Applicant.

Mr. H. J. Dedhia, A.P.P for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th SEPTEMBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 1192 of 2020 registered with the Chakan Police Station, Pune, for the alleged offences punishable under Sections 395 of the Indian Penal Code and under Sections 3(25) and 4(25) of the Indian Arms Act.

3. Learned Counsel for the applicant seeks bail on the ground of parity. He submitted that identically placed co-accused – Sagar Dhumsha

Pawar, has been enlarged on bail by this Court vide order dated 26th July 2021, passed in Bail Application No.2366 of 2021. He submits that the charge-sheet shows that no identification parade was held and hence the applicant has not been identified. He submits that there is no recovery of either gold ornaments or cash, at the instance of the applicant. Learned Counsel for the applicant states that the applicant has no antecedents. Statement accepted.

4. Learned APP opposes the application.

5. Perused the application. On 6th November 2020, a complaint was lodged by Janardan Bhadle with the Chakan Police Station. It is alleged that at around 3:30 a.m. in the morning, two unknown persons assaulted him and that when he went to the hall, he noticed four other unknown persons who were armed with scythes and sticks. He has alleged that he noticed that his brother was bleeding and his son Shrihari was injured. The complainant has further alleged that his sister-in-law and parents were also assaulted by the accused and that the accused were threatening them to keep quiet and asked them to hand over the valuables in the house. According to the complainant, gold ornaments and cash worth Rs.4,55,000/- was stolen from his house. He has stated that all the accused

left the premises after locking the door from outside and that the accused had taken the CCTV camera with them. It appears that no Test Identification Parade was held. Atleast it is not part of the charge-sheet. A perusal of the para 4 of the order passed by the learned Sessions Judge whilst rejecting the applicant's bail application shows that the applicant has not been identified by the informant and the witnesses. Admittedly, there is no recovery of any article/cash, at the instance of the applicant. The applicant has no antecedents. The applicant is in custody since 4th March 2021. Investigation is complete and charge sheet is filed. It is not in dispute, that identically placed co-accused – Sagar Pawar, has been enlarged on bail by this Court vide order dated 26th July 2021.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 1:00 p.m. till

framing of charge;

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(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) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) 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.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.
8. 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.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.