

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1533 OF 2020

Kaju Mansingh Palas and others	Applicants
versus	
The State of Maharashtra	Respondent

Mr.S.V.Marwadi i/by Mr.N.M.Nadar for applicants.
Mrs.M.R.Tidke, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th January 2021

PC :

1. This is an application for bail in CR No.I-9 of 2020 registered with Gholwad Police Station for offence u/s 398 of Indian Penal Code. The applicants were arrested on 25th February 2020.

2. The case of prosecution is that on 25th February 2020 while informant was sleeping at home at about 1.20 hours, the informant's brother Purves Mutha called him and informed that thieves have come behind Jain Temple. The informant and his brother Purves Mutha went to Jain Temple and saw five unknown persons. One of them was found to be jumping the boundary wall of temple on the roof of rickshaw standing outside Jain Temple. The accused threw stones at the informant and his brother. One stone hit the left leg of informant and one stone hit on the chest of Ramesh. When the accused tried to flee, one of them fell down and was caught by people. However, four of them managed to escape. It was noticed that latches of temple were broken but nothing was stolen from the temple. Accused no.1 was taken into custody. Subsequently other

accused were also arrested. In the test identification parade all the accused were identified.

3. Mr.Marwadi appearing for applicants submitted that offence us 398 of IPC is not made out in the present case. There was no theft of goods from the temple. There is defect in the identification parade. The applicants are in custody from 25th February 2020.

4. Learned APP submitted that the accused tried to commit robbery. They were apprehended by the people who had gathered at the place of incident in the temple. Applicant no.1 is having one antecedent registered in the year 2014. Accused were identified by the witnesses.

5. It is pertinent to note that applicants are in custody from 25th February 2020. The applicants had gathered to commit robbery. They were prevented from committing robbery. No goods were stolen from Jain Temple. In the facts of the case, further detention of the applicants is not necessary.

6. Hence, I pass following order :

ORDER

(i) Criminal Bail Application No.1533 of 2020 is allowed and disposed of;

(ii) The applicants are directed to be released on bail in connection with CR No.I-09 of 2020 registered with Gholwad Police Station, on executing PR bond in the sum of Rs.25,000/- each with one or more local sureties in the like amount.

(iii) The applicants shall report Gholwad Police Station once in a month on every first Saturday between 11.00 am and 1 pm till further orders.

7. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST