

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2601 OF 2021

Kimin @ Nana Liyakat Shinde	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Ranjeet Pawar for the Applicant.

Mr. A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 4th OCTOBER, 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. 577 of 2017 registered with the Indapur Police Station, Pune, for the alleged offences punishable under Sections 395, 452 of the Indian Penal Code.
3. Perused the papers. The incident in question, is stated to have taken place on 12th August, 2017 at about 1.15 a.m. According to the

complainant, some unknown persons knocked the door of the house at 1.15 a.m. and asked for water and when the door was not opened, the said unknown persons are alleged to have abused the complainant and broke open the door. Five unknown persons entered the house forcibly and that out of the five unknown persons, one unknown person assaulted him. It is alleged that the other four persons took search of the house and looted the silver jewelry and two mobile phones of the complainant. The said unknown persons are also alleged to have threatened the complainant of dire consequences, if he reported the matter to the police. The applicant came to be arrested on 29th August, 2017. Admittedly, no TIP has been held and as such, the applicant has not been identified by anyone. There is recovery of a mobile phone at the instance of the applicant. Prima facie, there is nothing to show that the said phone belonged to the complainant. It is not in dispute that the applicant has been released on bail in an MCOCA case which is an outcome of the present case by this Court (Coram: Sarang V. Kotwal,J) vide order dated 30th August, 2019, on the premise that there was weak evidence as against the applicant herein. The applicant is in custody since 2017. Investigation is complete and chargesheet is filed.

4. 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 between 10:00 a.m. to 11:00 a.m. from the date of his release till the conclusion of the trial, except if the date in the trial Court falls on a Saturday;
- (iii) The applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;
- (v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

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

5. The application is allowed in the aforesaid terms and is accordingly disposed of.

6. 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.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.