

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2994 OF 2021

Raja @ Akbar Norajanasaba Soudagara ...Applicant

Versus

State of Maharashtra ...Respondent

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Mr. Ritesh Thobde for the Applicant.

Mr. H.J. Dedhia, APP for the Respondent -State.

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CORAM : V.G.BISHT, J.

RESERVED ON : 25TH NOVEMBER, 2021

PRONOUNCED ON : 8TH DECEMBER, 2021

PC:-

1. The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No. 109 of 2021 registered with Akkalkot South Police Station, Solapur Rural for the offences punishable under Sections 395 and 397 of the Indian Penal Code (the IPC).

2. It is the case of prosecution that on 23rd March, 2021 while informant and his brother were carrying gold and silver ornaments worth Rs. 54, 34,000/- on their motorcycle, they were intercepted by the accused, namely, Ravi Rajkumar Jamge, Shivsharan Basanna Jamge, Sultan, Akbar (present applicant) and one unknown person. Prosecution further alleges that the accused persons assaulted the informant and his brother by means of rod and also threw chutney in their eyes and looted the said gold and silver ornaments and fled away. Accordingly, informant lodged the report.

3. Mr. Thobde, learned Counsel for the applicant, submits that all the accused except applicant have been released on bail. The bail application of the present applicant came to be rejected only on the ground that certain recovery was made at his instance. According to learned Counsel, the recovery of ornaments has already been made. Investigation is over and the charge-sheet is filed. In such circumstances, custody of the applicant is unwarranted.

4. Mr. Dedhia, learned APP, on the other hand, submits that the applicant was identified in test identification parade and if he is released on bail, the possibility of committing the same offence cannot be ruled out. There being no merit in the application, same is liable to be rejected.

5. Perused investigation papers. I have also gone through the bail orders filed on record wherein other accused have been released on bail by the trial Court. The learned trial Court rejected the application of present applicant and other co-accused, namely, Shivsharan Basanna Jamge on the ground that ornaments were recovered at their instances.

6. It may not be out of place to mention here that other accused, who are released on bail, have also allegedly participated in the commission of offence. Recovery has already been effected. Investigation is also completed. Conclusion of the trial may take its own time. In such circumstances, it would not be desirable to keep the applicant behind the bars.

7. As far as apprehension of learned APP that the applicant may indulge in similar activities, the care can be taken by imposing certain conditions. Hence, the following order :

ORDER

(i) Applicant- Raja @ Akbar Norajanasaba Soudagara shall be released on bail in C.R. No. 109 of 2021 registered with Akkalkot South Police Station, Solapur Rural on his executing PR. Bond in the sum of Rs. 25,000/- with one or two surety/sureties in like amount.

(ii) The applicant shall not tamper with prosecution evidence.

(iii) The applicant shall attend the concerned police station as and when called by the investigating officer.

(iv) The applicant shall attend the trial Court proceedings regularly.

(v) Bail before the trial Court.

(vi) The applicant shall not indulge in similar activities in future.

(vii) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of applicant's bail.

(viii) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.

(ix) The application is allowed in the aforesaid terms and stands disposed of accordingly.

(V.G.BISHT, J.)