

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

**CRIMINAL BAIL APPLICATION NO. 14 OF 2021**

Malkhan Singh S/o. Chandrika Singh .. Applicant

Vs.

The State Of Maharashtra .. Respondent

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Mr. Jamshed Ansari, Advocate for Applicant.

Mr. A.R. Kapadnis A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.**

**DATE : 31<sup>th</sup> MARCH, 2021**

**PC.**

1. The applicant is arrested on 4<sup>th</sup> September 2018 in connection with C.R. No.I-186 of 2018 registered with Wada Police Station, District Palghar for the offence punishable under Sections 395 and 120 B of Indian Penal Code (for short "IPC") and Section 3 and 25 of Arms Act 1959.

2. The case of the prosecution is that on 17<sup>th</sup> September 2018 accused committed robbery at the complainant's house. They were armed with country-made revolver and knife. They robbed cash and jewellery worth of Rs. 4,40,000/-. First Information Report (for short "FIR") was registered on 17<sup>th</sup> July 2018. On completing investigation charge-sheet was filed.

3. The case of the prosecution is that cash of Rs.12,000/- is recovered at the instance of the applicant. Learned APP has submitted that applicant has been identified in the Test Identification Parade. Supplementary Statement of the complainant was recorded on 10<sup>th</sup> October 2018. Mobile phone of the applicant was also recovered from the possession of the applicant.

4. Learned Advocate for the applicant has contended that since last three and half years applicant is in custody. There are no criminal antecedents against him. Co-accused Yaakub Ambiya Bhabe has been granted bail by this Court. There are several witnesses and therefore, trial may not over within short span of time. The trial has not commenced.

5. There is recovery of cash at the instance of the applicant. However, whether it can be connected to the offence is a debatable issue. The parade was conducted after a period of one and half month from the date of incident. The applicant is not having any criminal antecedents. He is in custody from two and half year. Hence, bail can be granted to the applicant. Hence, the following order:-

**:: O R D E R ::**

- (i) Bail Application No.14 of 2021, is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No.I-186 of 2018 registered with Wada Police Station, District Palghar on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more local sureties in the like amount;
- (iii) The applicant shall report Wada Police Station, District Palghar, once in a three month on first Saturday of the month between 11:00 a.m. to 01:00 p.m. till further order;
- (iv) Bail Application stands disposed of accordingly.

**(PRAKASH D. NAIK, J.)**