

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

BAIL APPLICATION NO. 3536 OF 2021

Mayur @ Baccha Sanjay Sonavane ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Mahendra Mukund Agavekar for the Applicant.

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

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CORAM : V.G.BISHT, J.

RESERVED ON : 8TH NOVEMBER, 2021

PRONOUNCED ON : 20TH 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. 199 of 2020 registered with Yewla Taluka Police Station, Nashik Rural for the offences punishable under Sections 392, 341, 397 read with 34 of the Indian Penal Code (the IPC) and Sections 4 and 25 of the Arms Act.

2. It is the case of the prosecution that on 1st July, 2020 at about 00.30 hours, when informant was taking his truck bearing registration No. MH 18 BA- 8791 towards Ankai Woodland by Manmad- Yeola Road along with his companion, four unknown persons intercepted the truck by two motorcycles. It is alleged that one of them was holding a sword who threatened and asked to hand over the monies and mobile phone. One of the accused slapped informant and robbed him of Rs. 2,000/- from his shirt and another removed mobile phone from his companion, namely, Rakesh More. Meantime, police patrolling car came and accused started running from the spot but the applicant came to be arrested on the spot. Later on, informant lodged the First Information Report (FIR).

3. Mr. Agavekar, learned Counsel for the applicant, submits that since the applicant was arrested on the spot, recovery of mobile phone has already been done. The charge-sheet has been filed. There are no criminal antecedents. In such

circumstances, no useful purpose would be served by keeping the applicant behind the bars.

4. Mr. Palkar, learned APP, on the other hand, opposes the submissions by contending that the applicant was caught red handed on the spot. Even the motorcycle is also seized. Thus, there being no merit in the application, same is liable to be rejected.

5. Perused investigation papers. It is apparent from the record that applicant was arrested on the spot itself when he was trying to flee away after committing the crime. It is clear from the record that a mobile phone worth Rs.5000/- was also seized from his possession along with a motorcycle.

6. It seems that at the relevant time the applicant was 23 years old. Investigation is completed and charge-sheet has been filed. No antecedents are forthcoming. Moreover, since the recovery has been effected and the investigation is concluded, in my considered opinion, no useful purpose would be served by keeping the applicant behind the bars.

Hence, I pass the following order :

ORDER

(i) Applicant- Mayur @ Baccha Sanjay Sonavane shall be released on bail in Crime No. 199 of 2020 registered with Yewla Taluka Police Station, Nashik Rural for the offences punishable under Sections 392, 341, 397 read with 34 of the IPC and Sections 4 and 25 of the Arms Act, on his executing P.R. Bond in the sum of Rs. 20,000/- with one or two surety/ sureties in like amount.

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

(iii) Bail before the trial Court.

(iv) It is made clear that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.

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

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

(V.G.BISHT, J.)

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