

Anand

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

BAIL APPLICATION NO. 2136 OF 2019

Shashikant @ Ganesh Ramdas Godse .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Deepak G. Padohilal, Advocate, for the Applicant
Mrs. S. V. Sonawane, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.02.2021

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. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 97 of 2016 registered with the Talasari Police Station, District – Palghar, for the alleged offences punishable under Sections 395, 397, 450, 342, 506, 102(B) r/w 34 of the Indian Penal Code and under Section 3, 35 of the Arms Act. It appears that subsequently, the provisions of the M.C.O.C.Act were invoked and that the matter is presently pending with the learned Special Judge, M. C. O. C. Court.

3. Learned counsel for the Applicant seeks bail on the ground of parity. He submits that identically placed co-accused – Umesh Kakdya Farara has been released on bail vide order dated 05.12.2019 passed by this Court (Coram : Sandeep K. Shinde, J.) in Cri. B. A. No. 593 of 2019. He submits that there is no recovery of any valuables at the instance of the Applicant nor has the Applicant been identified. He submits that the Applicant has no antecedents.

4. Learned APP opposed the Application. She, however, does not dispute the fact that the role of the Applicant is similar to that of co-accused - Umesh Kakdya Farara who has been enlarged on bail.

5. Perused the papers. The incident is alleged to have taken place on 19.07.2016. It is alleged that three unknown persons with covered faces barged into the Complainant's house and robbed the family of valuables worth Rs. 3,81,000/-. Two persons were apprehended and were identified in the Test Identification Parade. Admittedly, the Applicant was not amongst the three persons, who barged into the house of the Complainant. The allegation as against the Applicant is that he had informed the other accused of the places where

robbery could be committed. Nothing has been recovered at the instance of the Applicant. No statement under Section 18 has been recorded of the Applicant or of the co-accused. The role of the Applicant is similar to that of co-accused - Umesh Kakdya Farara, who has been enlarged on bail vide order dated 05.12.2019 passed by this Court (Coram : Sandeep K. Shinde, J.) in Cri. B. A. No. 593 of 2019.

6. Considering the aforesaid, prima facie, it cannot be said that the Applicant is guilty of the offence with which he is charged.

7. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/-** with one or two local 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. and 12:00 noon till the conclusion of the trial;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person

concerned with the case;

(iv) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The Applicant to co-operate with the conduct of the trial and attend the trial Court on all the dates, unless exempted;

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

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

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. 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.

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

(REVATI MOHITE DERE, J.)