

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

BAIL APPLICATION NO. 2316 OF 2019

Deva @ Pawlya Kailas Kale	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Shiraj Wakale for the Applicant.
Mr. S.V. Gavand, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th JULY, 2021.

P. C. :-

. By this Application filed under Section 439 of Cr.P.C., the Applicant has sought enlargement on bail.

2. The Applicant has been arrested in C.R.No.345/2017 registered with Manchar Police Station, Pune for offences under Section 380, 394, 397, 427 and 457 r/w. 34 of the Indian Penal Code (IPC).

3. It is the case of the prosecution that on 23/10/2017 between 02:30 a.m. to 02:45 a.m., some unknown persons criminally trespassed in the house of the first informant – Ramdas Laxman Shinde armed with deadly weapons and assaulted him and his son – Somnath with

iron rods and committed robbery of gold ornaments and cash of Rs.4,90,000/-.

4. The Applicant was arrested on 23/05/2018 & Test Identification Parade was held on 31/05/2018 in which the first informant has allegedly identified the Applicant. Apart from the identification by the first informant in the TI parade, which was conducted after more than 07 months from the date of the incident, prima facie there is no other incriminating material to link the Applicant with the aforesaid crime. Under the circumstances, the Applicant cannot be denied bail solely on the ground of past criminal antecedents.

5. It is also to be noted that the Applicant is in custody since 2018. The trial has not commenced and is not likely to commence and conclude soon in view of present situation arising from Covid-19 pandemic. Considering the aforesaid facts and circumstances, the Applicant is ordered to be released on bail on following terms and conditions :-

(a) The Applicant be released on bail on furnishing bail bonds in the sum of Rs.40,000/- (Rupees Forty Thousand) with one or two sureties

in the like amount to the satisfaction of Trial Court ;

(b) The Applicant shall attend Manchar Police Station, Pune on 1st Monday of every month at 11:00 am. from the date of his release until further orders;

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

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

(e) The Applicant shall keep the Trial Court informed of his current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time ;

6. Bail Application stands disposed of accordingly.

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(SMT. ANUJA PRABHUDESSAI, J.)