

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 154 OF 2021

(Pramod S/o Kashiram Muke Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Shri S.D. Chande, Advocate for the applicant/s.
 Ms. Nivedita Mehta, A.P.P. for the non-applicant /State.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 12th MARCH, 2021.

Heard Shri S.D. Chande, the learned counsel for the applicant and Ms. Nivedita Mehta, the learned APP for the non-applicant/State.

2. By this application, the applicant is seeking regular bail in Crime No. 0015/2021 registered at Police Station Malegaon, District Washim for the offence punishable under Sections 399 & 402 of the Indian Penal Code and Sections 4 & 25 of the Arms Act. Perused the case papers.

3. The prosecution case in brief is that the report was lodged by the Police Sub-Inspector Shabhir Khan stating that he received a secret information that some persons who are dacoits are staying in a room which is in a dilapidated condition near Agrawal Petrol Pump. The raid was conducted and the applicant alongwith other accused was apprehended.

During search, mobile phones, weapons, Adhar Cards Chili powder, and three motorcycles were seized from the possession of those persons. Thereafter, the offence came to be registered.

4. Shri Chande, the learned counsel for the applicant contended that the co-accused have been released on bail by the trial Court, except the present applicant, on the ground that he is having criminal antecedents.

5. Learned counsel for the applicant placed reliance upon the judgment of the Hon'ble Apex Court in the case of *Maulana Mohammed Amir Rashadi vs. State of Uttar Pradesh and Another*, reported in (2012) 2 SCC 382, wherein it is observed that, merely on the basis of criminal antecedents, the bail of the applicant cannot be rejected.

6. Ms. Mehta, the learned APP vehemently opposed the bail application.

7. Considering the nature of offence and considering that the co-accused have been enlarged on bail by the trial Court and the role of the present applicant is similar to the role of the other co-accused, in my considered opinion, the applicant can be enlarged on bail, on imposing certain conditions. Hence, the following order.

ORDER

- i. The Criminal Application is **allowed**.
- ii. The Applicant – Pramod S/o Kashiram Muke, be released on bail in Crime No. 0015/2021 registered at Police Station Malegaon, District Washim for the offence punishable under Sections 399 & 402 of the Indian Penal Code and Sections 4 & 25 of the Arms Act, on his furnishing P.R. Bond in the sum of Rs. 20,000/- with one or two solvent sureties in the like amount.
- iii. The Applicant shall not tamper with the prosecution witnesses in any manner.
- iv. The Applicant shall attend the concerned police station on every first Saturday of the month in between 11.00 a.m. to 2.00 p.m., till the commencement of trial.
- v. The Applicant shall not indulge in similar type of offence in future. If it is noticed that he is involved in such type of offence, the prosecution will be at liberty to move for cancellation of bail.
- vi. The Applicant shall keep himself away from the limits of area where the complainant and other witnesses are residing.

vii. The Applicant shall not change the place of residence without prior intimation to the concerned police station.

viii. The Applicant shall attend the dates of hearing regularly in the trial court.

ix. His two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

8. Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

9. Criminal Application stands **disposed** of accordingly.

10. In view of disposal of Criminal Bail Application, pending Criminal Application (APPP) No. 331/2021 does not survive. The same stands **disposed** of accordingly.

(MRS. SWAPNA JOSHI, J.)