

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

CRIMINAL BAIL APPLICATION NO.3199 OF 2021

Abhijit Kalidas @ Kayadya Pawar	...Applicant
Vs.	
The State of Maharashtra	... Respondent

Mr.P.A. Pol for the Applicant.
Mr.S.R. Agarkar, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 10 MARCH 2022

P.C.

1. By this Application, the Applicant (Accused No.2) is seeking bail in Crime No.431 of 2020 registered with Dahiwadi Police Station, under Section 395, 397 and 420 of the Indian Penal Code.

2. I have heard the learned counsel for the parties.
Perused record.

3. The perusal of the FIR and the statement of the informant Tofik Harunalli Mulani recorded under Section 164 of Cr.P.C. shows that on 20 October 2020 the informant along with co-accused Lakhan Popat Bhosale (since absconding) had proceeded on a Shine Motorcycle from Dahiwadi by the

Gondwale Road, in the afternoon. The informant claims that Lakhan asked him to stop near Hotel Gangasagar. It is at this point that while the informant was urinating, accused No.1 caught hold of him from behind. There were four persons hiding near the canal, who came out and assaulted the informant.

4. According to the informant the Applicant was one of the said four persons. The informant was not knowing the other three. The Applicant is alleged to have taken out the wallet from the rear pocket of the pant of the informant while remaining three are alleged to have taken out an amount of Rs.1,75,500/- from the front pocket of the informant. On the basis of the complaint lodged an offence came to be registered and after investigation a charge-sheet is filed.

5. The learned counsel for the Applicant has pointed out that the co-accused Pravin Popat Bhosale has been released on bail by this Court by a detailed order dated 9 July 2021 in Criminal Bail Application No.1825 of 2021. He further points out that another accused Sachin Raichur Shinde has been granted bail by the Sessions Court.

6. The learned counsel for the Applicant pointed out that both these accused have been identified in the Test

Identification Parade (TI Parade) by the informant and therefore parity would apply.

7. The learned Additional Public Prosecutor has submitted that there was no recovery from the Applicant Pravin Bhosale which was one of the reasons why he was granted bail by this Court. It is also pointed out that there is one Criminal antecedents against the Applicant.

8. I have considered the circumstances and the submissions made. It is true that according to the informant the Applicant was known to him while other three were unknown. However, the fact remains that two out of them (excluding the absconding accused Lakhan) have been identified in the Test Identification Parade and even in the face of , this Court had granted bail to Pravin Bhosale and the learned Sessions Judge has granted bail to Sachin Shinde.

9. Insofar as the recovery is concerned an amount of Rs.4,500/- is shown to be recovered from the present Applicant. Coming to the Criminal antecedents the learned counsel for the Applicant has pointed out that there is one case against the Applicant in respect of the incident when the Applicant was a juvenile.

10. The investigation is complete and the charge-sheet is filed. The Applicant was arrested on 20 October 2020 and he is in jail since then.

11. Considering the overall circumstances, the following order is passed.

ORDER

- (i) Application is allowed.
- (ii) Applicant-Abhijit Kalidas @ Kayadya Pawar shall be released on bail in C.R. No.431 of 2020 registered with Dahiwadi Police Station on furnishing a PR bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (iii) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police officer and shall not tamper with the prosecution evidence.
- (iv) The Applicant shall report to Dahiwadi Police Station once in fifteen days between 10.00 a.m. and 1.00 p.m., till framing of charge.

C.V. BHADANG, J.