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

BAIL APPLICATION NO. 72 OF 2022

1. Anubhav Mishra S/o. Surendra
Kumar Mishra

2. Dhiru Shukla S/o. Dwarkaprasad
Shukla

... Applicants

Vs

The State of Maharashtra

... Respondent

...

Mr. Jigar Agarwal a/w. Swatesh Tripathi a/w. Mr. Suman
Mourya i/b. Rqam Mani Upadhyay for Applicants

Mr. N.B. Patil, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.
DATE : 10th NOVEMBER, 2022.

PC. :

1. Applicants are seeking their enlargement on bail in connection with Crime No. 392 of 2020 registered with Umbraj Police Station, Dist. Satara for the offences punishable under sections 392, 395, 397 of the Indian Penal Code r/w. Sections 5 and 25 of the Arms Act.

Prosecution Case:

2. Sachin Maruti Pawar, who was employed at Bharat Petrol Pump on the National Highway, reported to police that on 15th September, 2020, six unknown persons visited the petrol pump for filling of petrol on two motorcycles. They manhandled complainant and threatened him with the gun, when he sought payment of Rs.1870/-, the price of petrol. Thereafter, aggressors, entered into office cabin on the petrol pump and assaulted manager and removed Rs.18000/- from his pocket. They robbed the manager of cash with him and removed two mobile phones and fled away on motorcycle. Later, they were arrested. In the test identification parade held in December, 2020, the complainant identified all accused; however, Manager, could not identify all of them.

3. Be that as it may, the investigation in the case is over and the charge sheet has been filed. The role attributed to Accused No.6 (Applicant No.2 herein), is similar to role attributed to, Shivam Manoj Singh (co-accused) , who has been released on bail by this Court vide order dated 15th July, 2021 passed in Criminal Bail

Application No. 1022 of 2021. Learned counsel for the Applicants largely relied on this order to seek release of applicant No.2 on bail. Learned APP does not dispute this fact.

4. Insofar as Applicant No.1 (Accused No.2) is concerned, the role attributed to him is some what different than the role attributed to the applicant No.2. All that to say is though prosecution alleged, that the Applicant No.1 entered into a cabin and assaulted the manager, however, in the test identification parade, the manager could not identify the Applicant No.1. Therefore, case of the applicant No.1 is same as of applicant No.2 and of Shivam M. Singh.

5. In any case the material in the charge sheet does not indicate that the Applicants were armed with weapons like a fire arm, which was allegedly held and recovered from Accused No.1.

6. In consideration of the facts, the Applicants are directed to be released on bail on the following conditions for ensuring their presence for the trial.

ORDER

(i) The applicants in Crime No. 392 of 2020 registered with Umbraj Police Station , shall be released on executing PR bond for the sum of Rs.20,000/- each with one or more sureties (preferably local) in like sum.

(ii) The applicants shall attend the concerned police station as and when called.

(iii) The applicants shall furnish their permanent residential address and contact number to the Investigating Officer within seven days from the date of their release on bail.

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

(v) The applicants shall attend concerned police station as and when called and co-operate in the investigation.

(vi) The application is accordingly allowed and disposed of.

It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and

the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)