

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.425 OF 2022

Pankaj Dinesh Singh	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Amin Solkar a/w Umang Shah for the Applicant.

Ms.Rutuja Ambekar, APP for the State.

API Santosh Tapase, Shantinagar Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 15th NOVEMBER, 2022.

P.C.

1] The Applicant, on being arrested on 08.08.2021 face charges for the offences punishable under Section 398 of the Indian Penal Code and 3, 25, 27 of the Arms Act and 37(1), 135 of the Bombay Police Act.

2] The prosecution allege that the complaint was filed by one Nitin Jain, who is proprietor of a jewellery shop, where he trades in gold and silver ornaments. On 08.08.2021, while he was engaged in the cleaning of the shop, one unknown person came and asked him to show a silver ring. While the ring was being shown, the person is alleged to have taken out a pistol from his bag and by holding the collar of his shirt, he brandished the said weapon and asked him to hand over the valuables in the shop. At that time, the hawkers came to his

rescue and the person was locked inside the shop. The police came and arrested the said person, who is the present Applicant.

3] Section 398 of the IPC which prescribes penalty for attempt to commit robbery or dacoity on being armed with deadly weapon prescribe imprisonment which shall not be less than 7 years.

4] In the wake of aforesaid circumstances, when the charge-sheet is perused, it can be seen that the entire material available against the Applicant has been compiled in the charge-sheet and the case of the prosecution is supported by several independent witnesses, apart from the complainant.

When it was specifically asked as to whether the Applicant has any antecedents to the credit, the learned APP has answered in the negative. The Applicant may take consequences of the accusation levelled against him being serious in nature, however, at present his further incarceration is not necessary. He, therefore, deserve his release on bail.

5] The observations made above are prima facie in nature and limited for the purpose of determination of the present Application and the learned Judge trying the Applicant for the offences, with which he is charged, shall not in any manner be influenced by the above order.

Hence, the following order :

ORDER

- (a) Application is allowed.
- (b) Applicant – Pankaj Dinesh Singh shall be released on bail in Sessions Case No.589/2021 vide CR No.I-542/2021 registered with Shanti Nagar Police Station on furnishing P.R.

bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall report to the concerned Police Station once in three months.

(d) 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 should not tamper with evidence.

(e) The Applicant shall regularly attend trial, on every date, unless exempted.

(f) Upon release, the Applicants shall furnish his contact number and permanent residential addresses to the Investigating Officer and shall keep him updated in case of change in the same.

[BHARATI DANGRE, J]