

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

BAIL APPLICATION NO. 3813 OF 2021

Akshay Ramchandra Chavan & Anr
V/S

....APPLICANTS

The State Of Maharashtra

....RESPONDENT

**WITH
BAIL APPLICATION NO. 543 OF 2022**

Vishal Shivaji Kadam
V/S

....APPLICANT

State Of Maharashtra

....RESPONDENT

Ms. Tanvi Tapkire for the applicant in BA/3813/2021
Mr. Umesh Mankapure for the applicant in BA/543/2022
Ms P. N. Dabholkar, APP for the respondent-state.

CORAM : NITIN W. SAMBRE, J.

DATED : 28th September, 2022

P.C.:

1. In both these applications, the applicants are apprehended on 31/05/2021 & 29/05/2021 respectively for an offence being crime no. 389 of 2018 registered with Kavathe Mahakal police station for the offence punishable under sections 395, 397, 120B r/w. 34 of IPC.
2. The applicants are already charge-sheeted.
3. Against the applicant-Akshay Chavan there is criminal antecedents of an offence punishable u/s. 302 whereas against

applicant-Vishal Kadam an offence u/s. 380 of IPC is pending.

4. Both the counsels for the applicants submits that the applicants deserve to be released as they have already suffered incarceration for a period of more than one year. The earlier antecedent is not of similar nature and the applicants are very much available for the investigation.

5. Learned APP would oppose the prayer based on the investigation carried out.

6. I have appreciated the said submissions.

7. The fact remains that but for the recovery from the goldsmith there is hardly any material recovered from the applicants.

8. Apart from above, learned APP is unable to trace the result of identity parade, if any, if so conducted.

9. As such, the complicity of the applicants is under doubt.

10. The applicants be released on bail applicants in Crime no. 389 of 2018 registered with Kavathe Mahakal police station for the offence punishable under sections under sections 395, 397, 120B r/w. 34 of IPC, applicants be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

11. The applicants shall attend the Investigating Officer in 1st week of every English calendar month till trial is concluded.
12. The applicants shall neither tamper with evidence nor influence the witnesses in any way.
13. If applicants found involved in similar offence, liberty to move before the Court below for cancellation of bail.
14. The bail applications stand disposed of.

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(NITIN W. SAMBRE, J.)