

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1291 OF 2021

PRAVIN VIJAY GAIKWAD

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Sushant Walimbe, Advocate for the Applicant.

Mr.Ameet Palkar, APP for the Respondent – State.

CORAM : V. G. BISHT, J.

**RESERVED ON : 10th DECEMBER 2021
PRONOUNCED ON : 5th JANUARY 2022.**

P.C. :

1 The present application has been moved by the applicant under Section 439 of the Code of Criminal Procedure in Crime No.I-193 of 2020 registered with Police Station Chandwad, Nashik, for offences punishable under Section 356 and 379 of the Indian Penal Code (IPC).

AVK

1/5

2 It is the case of prosecution that on 24th October 2020 there was felicitation function of leader of Rashtravadi party wherein the informant and witnesses were also present. The prosecution alleges that present applicant along with other accused named in the charge-sheet and wanted accused in furtherance of their common intention forcibly removed a gold chain weighing 128 grams worth Rs.7,56,000/- from the neck of agreement and accordingly were caught in the cameras and video shooting. Accordingly, First Information Report (FIR) came to be lodged.

3 Mr.Sushant Walimbe, learned counsel for the applicant, submits that the gold chain is already recovered during the course of investigation and then invited my attention to Search Panchnama. There are no criminal antecedents. Investigation is completed. Charge-sheet has been filed. In such circumstances, the custody of the applicant is not desirable.

4 Mr.Ameet Palkar, learned APP, on the other hand, fairly submits that recovery has been duly effected during the course of investigation. However, no Test Identification Parade was carried out. Having regard to the nature of offence, the applicant may not be enlarged on bail.

5 Perused investigation papers.

6 I have gone through the house/property search and Seizure Panchnama filed on record at page 26 from which it is apparent that a gold chain weighing 127 grams came to be seized from the house of the applicant. Thus, the gold chain is duly recovered. There is also seizure of a pen drive and photographs of people produced by one Prasad Abasaheb Deshmukh wherein suspicious movements of the suspected accused were also captured. It is also an admitted position that till date no identification parade is carried out in respect of either applicant or any of the accused allegedly involved in the offence. Similarly, no criminal antecedents are brought on record.

7 In such circumstances, in my view, the applicant has made out a case for bail. Hence, I pass the following order :

ORDER

- (i) Applicant – Pravin Vijay Gaikwad shall be released on bail in Crime No.I-193 of 2020 registered with Police Station Chandwad, Nashik, on his executing PR.Bond in the sum of Rs.15,000/- with one or two sureties in like amount.
- (ii) Bail before the trial Court.
- (iii) Parties to act on copy of this order duly authenticated by the Sheristedar of this Court.
- (iv) It is made clear that the observations made herein are prima facie and the trial Court shall decide the case on its own merit, in accordance with law, uninfluenced by the observations made in this order.
- (v) The application is allowed in the aforesaid terms and stands

disposed off accordingly.

(V. G. BISHT, J.)