

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2119 OF 2021

Santosh Kumar Umashankar Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Satish B. Patil a/w Mr. Vidyadhar Gangurde for the Applicant.

Mrs. Anamika Malhotra, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 2nd MAY, 2022

P.C. :

1. Heard learned Counsel for the parties.
2. This is the second bail application preferred by the applicant seeking his enlargement on bail in connection with C.R.No. I-186 of 2018, registered with the Wada Police Station, Palghar, for the alleged offences punishable under Sections 395 and 120B of the Indian Penal Code and under Section 3 r/w 25 of the Arms Act.
3. Learned Counsel for the applicant seeks bail on the ground of

parity as well as delay in commencement of the trial.

4. Perused the papers. According to the prosecution, the incident took place on 17th July, 2018. It is alleged that the applicant alongwith other co-accused committed robbery at the complainant's house; that they were armed with country-made revolvers and knives; and that they robbed cash and jewellery worth Rs.4,40,000/-. The First Information Report was lodged on the very same day i.e. on 17th July, 2018. The applicant was arrested on 20th September, 2018. After investigation, chargesheet was filed as against the accused persons including the applicant.

5. Perused the order dated 31st March, 2021 passed by this Court (Coram : Prakash D. Naik, J.) releasing co-accused Malkhan Singh s/o. Chandrika Singh, on bail. It is not in dispute, that Malkhan Singh has also been identified in the Test Identification Parade, like the present applicant. The complainant's mobile phone was recovered from Malkhan Singh and so also cash of Rs.12,000/- was recovered at his instance. As far as the applicant is concerned, there is recovery of jewellery at his instance. The applicant has no criminal antecedents. The applicant is in custody since September, 2018. Similarly placed co-accused i.e Malkhan Singh and four other co-accused have also been released on bail. Till date, charge has not

been framed in the said case. The Test Identification parade is conducted after one and a half month of the incident.

6. Considering the aforesaid, the applicant is entitled to bail, both, on the ground of parity as well as on the ground of delay in commencement of the trial. Accordingly, the application is allowed and the applicant is enlarged on bail on the following terms and conditions;

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) The applicant shall attend the concerned Police Station once in three months, on the first Saturday of the month between 11:00 a.m. to 01:00 p.m, until further orders;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the concerned Officer of the concerned Police Station;

(iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

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

(vi) The applicant shall file an undertaking with regard to clauses (ii) to (v) in the trial Court, within two weeks of his release;

(vii) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The application is accordingly disposed of in the aforesaid terms.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.