

## Versus

State of Maharashtra ... Respondent

Mr. Vinod Chate alongwith Ms. Kalpana Chate and Mr. Pavan Vadgaonkar instructed by Chate and Associates for the Applicant.  
Mr. V.B. Konde Deshmukh, APP for the State.

CORAM : N.R. BORKAR, J.

DATED : 20 OCTOBER 2022

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicant came to be arrested in Crime No. 13 of 2022 registered at Karkamb Police Station, for the offence punishable under Section 395 of Indian Penal Code and Sections 4 and 25 of the Indian Arms Act.

3. It is the case of prosecution that one of the co-accused offered the complainant to sell gold ornaments at half rate. According to the complainant, when he and his friend reached to the place, where the transaction of sale and purchase was to take place, the present applicant and other co-accused robbed them of Rs.53,060/-.

4. I have heard the learned Counsel for the applicant and the learned APP for the State.

5. The learned Counsel for the applicant submits that the applicant is aged about 65 years and suffering from disc bulge disease. It is submitted that the police authorities have implicated the present applicant in crime in question just because his daughter-in-law had lodged the complaint against police officials. It is submitted that the investigation is over and the applicant is in jail for more than nine months. It is thus prayed that the applicant be released on bail.

6. On the other hand, the learned APP for the State submits that the applicant is involved in serious crime of dacoity and the complainant has identified the present applicant in test identification parade. It is submitted that there is a recovery of Rs.20,000/- at the instance of the present Applicant.

7. The applicant has placed on record medical papers in relation to his illness. The applicant is aged about 65 years. The investigation is over and the applicant is in jail for more than nine months. Considering these facts, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant – Ratilal @ Shefya Ambadas Kale be released on bail in Crime No. 13 of 2022 registered at Karkamb Police Station, for

the offence punishable under Section 395 of Indian Penal Code and Sections 4 and 25 of the Indian Arms Act on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e. on first working Saturday between 11.00 a.m. to 2.00 p.m. till the conclusion of trial.

( N.R. BORKAR, J. )

KANCHAN  
PRASHANT  
DHURI

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by KANCHAN  
PRASHANT  
DHURI  
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