

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2654 OF 2021

Deepak Baba Bhandalkar ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. Shailesh Kharat for the Applicant.

Mr. N.B. Patil, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 18 FEBRUARY 2022

P.C.

1. By this application, the Applicant is seeking release on bail. The Applicant along with four others has been chargesheeted for the offence punishable under Section 395, 392, 341 of IPC arising out of Crime No. 301 of 2021 of Police Station Kondhva, District Pune.

2. The aforesaid crime is registered on the basis of the complaint dated 08.04.2021 lodged by Aayush Gugale stating that on 25.03.2021 at about 9.45 p.m. when the first informant was sitting at Bopdeo Ghat at about 10.00 p.m. about six persons wearing mask, came there and demanded money and mobile phone from first informant. When the informant refused, he was

SNEHA
NITIN
CHAVAN

Digitally signed
by SNEHA NITIN
CHAVAN
Date: 2022.02.21
17:43:53 +0530

assaulted and threatened with a knife. After that two I-phone mobile handsets and Rs.9,000/- from the pocket of the pant of the first informant were snatched and these persons fled on their bikes. Although the incident happened on 25.03.2021 the FIR came to be registered on 08.04.2021.

3. I have heard the learned counsel for the parties. Perused record.

4. The learned counsel for the Applicant pointed out that there is no Test Identification Parade conducted, although the first informant has given description of the persons involved in the offence. It is pointed out that the mobile phone of the first informant is recovered from the co-accused Rushikesh who has been released on bail. There is no recovery of any incriminating articles of the present crime from the Applicant. The Criminal antecedents would normally enter consideration, if there is prima facie material of the involvement in the present crime is shown. The investigation is complete and the chargesheet is filed.

5. In such circumstances, the following order is passed:

ORDER

i) The Applicant be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

- ii) The Applicant shall furnish his native place address with proof to the Investigating Officer.
- iii) The Applicant shall undertake to remain present before the learned Sessions Judge, during the course of trial.
- iv) The Applicant shall not directly or indirectly tamper with the prosecution evidence/witnesses.
- v) In the event of breach of any of the conditions, the bail is liable to be cancelled.
- vi) Bail bonds to be furnished before the learned Sessions Judge.
- vii) It is made clear that the observations herein are essentially of a prima facie nature and the learned Sessions Judge shall not be influenced by the same at the trial.
- viii) Criminal bail application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)