

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2927 OF 2021

Deepak Baba Bhandalkar ..Applicant
V/s.
The State of Maharashtra ..Respondent

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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. 295 of 2021 of Police Station Kondva, District Pune.

2. The aforesaid crime is registered on the basis of the complaint lodged by Balasaheb Bhitande on 06.04.2021 stating that on 04.04.2021 at about 11.00 p.m. while the informant was returning on a motorcycle along with his wife, four unidentified persons came on 2 black coloured motorcycles at Bopdeo Ghat and snatched a mobile phone of the informant and also

attempted to snatch the ornaments and money from the person of the wife of the first informant. After the first informant and his wife raised alarm, all four fled away.

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

4. The investigation in this case is complete and the chargesheet is filed. The learned counsel for the Applicant pointed out that the recovery of the articles made from the Applicant which includes a Bajaj Pulsor motorcycle. Further, it appears that the said motorcycle is subject matter of Crime No. 202 of 2021 under Section 379 of Police Station Karad. Except some amount and a mobile handset, the recovery of one knife is made from the Applicant. It is pointed out that the mobile phone of the first informant, which is subject matter of the FIR is recovered from co-accused Rushikesh Bodare, who has been released on bail.

5. The learned Sessions Judge has refused to release the Applicant on bail mainly on the ground of criminal antecedents. The consideration of Criminal antecedents can arise, only after prima facie involvement in the present crime is shown and not otherwise.

6. In the result, 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 furnished 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 unless excepted.

iv) The Applicant shall not 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.)