

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2991 OF 2021

Chendul @ Sarvin Tulshiram Bhosale ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr. Vaibhav V. Ugle, for the Applicant.
Mr. S. R. Agarkar, APP for the Respondent / State.
API Nagnath G. Patil, Indapur Police Station, Pune (Rural).

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**CORAM : C.V. BHADANG, J.
DATE : 31 JANUARY 2022
(Through Video Conferencing)**

P.C.

. By this Application, the Applicant – Accused No.3, is seeking bail. The Applicant alongwith others has been chargesheeted for the offence punishable under Section 395 and 452 of IPC arising out of Crime No.577/2017 of Police Station Indapur, District Pune.

2. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

3. The incident in question is alleged to have happened on 12 August 2017 at about 1.15 a.m. when some unknown persons had committed house trespass in the house of the informant and committed dacoity of jewellery and two mobile phones. The Applicant came to be arrested on 2 September 2017. In this case, admittedly, the Test Identification Parade (TIP) has not been conducted by the Investigating Officer. In so far as offences under the Maharashtra Control of Organised Crime Act, 1999 ('the MCOC Act') registered against the Applicant is concerned, he has been shown to be released on bail by the learned Special Judge by order dated 2 January 2021.

4. The learned counsel for the Applicant has placed reliance on the order dated 4 October 2021 passed by this Court in Criminal Bail Application No.2601/2021, by which the co-accused Kimin @ Nana Liyakat Shinde has been released on bail. The learned counsel for the Applicant has sought parity with the said Accused Kimin Shinde.

5. The record discloses that except that there is a recovery of a mobile phone from the said Accused, as against the recovery of some jewellery from the present Applicant, there is parity in respect of all other circumstances. Particularly, the fact that there is no TIP carried out. The investigation is complete and the chargesheet is

filed. The Applicant is in custody since 2017. In such circumstances, the following order is passed.

ORDER

- (i) The Applicant be enlarged on bail, on executing a P.R. Bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station on the first Saturday of every month between 10.00 a.m. to 11.00 a.m. from the date of his release till the conclusion of the trial, except if the date in the trial Court falls on a Saturday.
- (iii) The Applicant shall inform his latest place of residence and mobile contact number, if any, soon after being released on bail and/or if there is any change of residence or mobile details, time to time to the Court seized of the matter and to the Investigating 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 the clauses (ii) to (v) in the trial Court, within two weeks of his release.

(vii) The Application is disposed of, in the aforesaid terms.

(viii) 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.

C.V. BHADANG, J.