

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3244 OF 2021

Suryakant Prabhakar Karalkar .. Applicant
Versus
The State of Maharashtra .. Respondent
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Mr. Aniket Vagal, a/w Mr. Kunal Pednekar for the Applicant.
Mr. S.V. Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 20th AUGUST, 2022

P.C:-

1. The applicant came to be arrested on 18/04/2021, in-connection with CR No. I-338 of 2021 registered with Kashimira Police Station invoking the offence punishable under section 399 of IPC u/s 25 (4) of arms Act and section 8 (c), 20, 22(c) and 29 of NDPS Act. On completion of investigation the charge-sheet is filed.
2. Heard the learned counsel for the applicant, and learned APP for the state.

The learned counsel for applicant would submit, that the information was received by the Anti Narcotic Cell, Mira-

Bhayander, Vasai Virar, Police Commissionerate , about an attempt to commit a dacoity in a petrol pump at Kashimira, by 4 to 5 persons with the assistance of arms /weapons.

Accordingly a trap was laid and 5 persons were seen walking on the highway. On being noticed, by the members of the ANC unit the persons ran away and on chasing them, 3 persons were apprehended. Two persons, who fled away from the spot, however threw their swords and despite serious efforts they could not be nabbed.

3. The applicant is alleged to be one of the persons who was appended on the spot and his search lead to one sword. Search of another apprehend person Sandeep Nagare also lead to a sword as well as a Narcotic drug, Mephedrone, and therefore the procedure under section 50 of the NDPS Act was followed and the substance was seized, which was weighing 80 gms.

There is no recovery of any contraband substance, from applicant and he can only be charged under section 399 i.e. attempt to commit dacoity along with section 25 (4) of Arms Act, as a sword was recovered from him during panchnama.

4. On the investigation being complete the material against the accused persons including the applicant is compiled in the charge-sheet, the prosecution do not attribute any antecedent to the applicant. The applicant would take the consequences, if found guilty of the charges levelled against him, but at present in absence of any antecedent and the prosecution not expressing

any flight risk or a possibility of he not facing the trial, he deserve his release on bail. Hence the following order:-

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Suryakant Prabhakar Karalkar shall be released on bail in connection with C.R.No.I-338 of 2021 registered with Kashimira police station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (d) The applicant shall mark his attendance to the concerned police station on every Thursday of the month between 10:00 am to 12:00 noon till framing of charge and thereafter as and when required by the Investigating Officer.

(SMT. BHARATI DANGRE, J.)