

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2352 OF 2022**

Gaurav Sukdeo Thombare

Age 22 years , Occ: Servant

R/a Mesankhede Khurd, Taluka Nandgaon,

District-Nashik,

At present lodged at Nashik Road

Central Prison

... Applicant.

Versus

The State of Maharashtra

(At the instance of Police Inspector,

Chandwad Police Station)

... Respondent.

...

Mr Prakash Namdeo Wagh, Advocate for the Applicant.

Smt M.M.Deshmukh, APP for the State.

CORAM : R. N.LADDHA, J.

DATE : 23 DECEMBER 2022

P.C.:

Heard Mr Prakash Wagh, learned Counsel for the Applicant, and Mrs M.M.Deshmukh, learned Additional Public Prosecutor for the State.

2. By this application, the Applicant is seeking bail in connection with C.R.No.0361 of 2021 registered at Chandwad Police Station, Nashik, against the Applicant and other accused for the offences punishable under Sections 395 of the Indian Penal Code, 1860.

3. Mr Prakash Wagh, learned Counsel appearing on behalf of the Applicant, submitted that the Applicant has been languishing in jail since 27.5.2021. The investigation is complete, and the charge sheet has been filed. It is submitted that the trial is not yet started. It is submitted that the role attributed to the Applicant is that at the time of alleged incident, he was holding the hands of the informant. It is submitted that though there is the allegation that the Applicant had possessed the knife, however, it is not the case of the prosecution that he had shown, pointed out or used the same in the alleged incident. It is submitted that it is not the case of the prosecution that the Applicant had taken away any money, articles or jewellery or mobile from the complainant or any other family member. It is submitted that no one was injured in the incident, and recovery was already made. Two co-accused persons were already released on bail. It is submitted that the Applicant has no criminal antecedents and he has roots in the Society. It is submitted that there is no possibility of the Applicant fleeing away or tampering with the witnesses, and if he is enlarged on bail, he will not misuse the liberty of bail.

4. Mrs M.M.Deshmukh, learned Additional Public Prosecutor appearing for the State, submitted that the offence was committed in well-planned design by the

Applicant. The offence is serious. It is submitted that the Applicant was actively involved in the offence that led to the registration of the FIR against him. It is submitted that the knife and Rs.800/- were recovered from the Applicant.

5. This Court has perused the Application, Charge Sheet filed along with the documents placed on record. It reveals from the record that the incident in question had taken place on 27.5.2021. The Applicant was arrested on the day of the incident itself. It appears that no one was injured in the alleged incident. Two co-accused persons were already enlarged on bail. The Applicant has been behind bars for more than one and a half years. There is nothing on record to show that the Applicant has criminal antecedents. It appears that the Applicant is a boy of 22 years. The charge sheet has been filed. The trial is not yet started. The Applicant cannot be said to be at flight risk. No fruitful purpose will be served by keeping the Applicant behind bars.

6. In such a situation, this Court is convinced that bail can be granted to the Applicant, subject to appropriate conditions.

7. Given the above, the Application is allowed in the following terms :

ORDER

a) The Applicant Gaurav Sukdeo Thombare shall be released on bail in C.R.No.0361 of 2021 registered at Chandwad Police Station, Nashik, on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.

b) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

c) The Applicant shall furnish the permanent address and contact details to the Inspector of Police of the concerned Police Station and intimate the change, if any.

d) The Applicant shall regularly attend the proceedings before the trial Court.

8. Needless to say, violating any of the conditions above will make the Applicant liable for cancellation of bail.

9. 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 the law, uninfluenced by the observations made in this order.

10. All the parties to act on an authenticated copy of this Order.

[R. N. LADDHA, J.]