

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

**INTERIM APPLICATION NO.3055 OF 2022
IN
CRIMINAL APPEAL NO.916 OF 2022**

Anil Janu Tawade Appellant

versus

State of Maharashtra Respondent

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- Mr. Siddharth Jadhav i/b. Mr. Prakash Vare, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 30th SEPTEMBER, 2022**

P.C. :

1. This is an application for bail pending the Appeal. The Applicant has preferred the Criminal Appeal No.916 of 2022 challenging the Judgment and Order dated 26/07/2022 passed by the Additional Sessions Judge for Greater Bombay in Sessions Case No.129 of 2020. At the conclusion of the trial, the Applicant was convicted for commission of offence punishable u/s 379 and 356 of the Indian Penal Code and u/s 150 (1)(e) of

Railways Act. The major punishment imposed on him was three years.

2. Heard Mr. Siddharth Jadhav, learned counsel for the Applicant and Smt. M. R. Tidke, learned APP for the State.
3. Learned counsel for the Applicant submitted that he was on bail during trial and he has not misused his liberty. Even after his conviction he was granted bail by the trial Court u/s 389(3) of Cr.P.C. He submitted that on merits he has a good case. Though the prosecution alleges that he was caught at the spot, it was a case of mistaken identity as it was a crowded place and he was wrongly caught by the crowd only on suspicion.
4. Learned APP opposed this application. She submitted that considering the nature of offence there is a possibility of repetition of this offence.

5. I have considered these submissions. The incident had occurred on 25/06/2016 at 01.30 p.m. The prosecution case is that when P.W.1 was about to board a local train, the Applicant snatched her golden chain because of which she fell on the platform. The Applicant was caught on the spot by the crowd and was beaten. He was taken to police station and the golden chain was recovered from his pant pocket. Though the complainant's evidence is strong enough, there are also arguable points and there is a possibility of mistaken identity. The accused will have to explain the recovery of golden chain. All these issues will have to be decided at the stage of final hearing of the Appeal. The Applicant was on bail during trial and he has not misused the liberty. The incident is old. It had taken place in the year 2016 and there are no allegations that after that he has committed similar offence. Considering all these aspects, the Applicant can be released on bail on certain conditions.

6. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.916 of 2022, the Applicant is directed to be released on bail on his furnishing PR. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) The Applicant shall report to the concerned police station once every three months for a period of three years from today.
- (iii) With these observations, the Interim Application is disposed of.

(SARANG V. KOTWAL, J.)