

Corrected as per order dated 10.10.2022

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

BAIL APPLICATION NO. 3813 OF 2021

1] Akshay Ramchandra Chavan

2] **Sunil Sitaram Wadar**

V/S

The State Of Maharashtra

....APPLICANTS

....RESPONDENT

WITH

BAIL APPLICATION NO. 543 OF 2022

Vishal Shivaji Kadam

V/S

State Of Maharashtra

....APPLICANT

....RESPONDENT

Ms. Tanvi Tapkire for the applicant in BA/3813/2021

Mr. Umesh Mankapure for the applicant in BA/543/2022

Ms P. N. Dabholkar, APP for the respondent-state.

CORAM : NITIN W. SAMBRE, J.

DATED : 28th September, 2022

P.C.:

1. In both these applications, the applicants were apprehended on 31/05/2021 & 29/05/2021 respectively for an offence being crime no. 389 of 2018 registered with Kavathe Mahakal police station for the offence punishable under sections 395, 397, 120B r/w. 34 of IPC.

2. The applicants are already charge-sheeted.

3. Against the applicant-Akshay Chavan there is criminal

antecedents of an offence punishable u/s. 302 whereas against applicant-Vishal Kadam prosecution for an offence u/s. 380 of IPC is pending.

4. Both the counsels for the applicants submits that the applicants deserve to be released as they have already suffered incarceration for a period of more than one year. The earlier antecedent is not of similar nature and the applicants are very much available for the investigation.

5. Learned APP would oppose the prayer based on the investigation carried out.

6. I have appreciated the said submissions.

7. The fact remains that but for the recovery from the goldsmith there is hardly any material recovered from the applicants.

8. Apart from above, learned APP is unable to trace the result of identity parade, if any, if so conducted.

9. As such, the complicity of the applicants is under doubt.

10. The applicants be released on bail in Crime no. 389 of 2018 registered with Kavathe Mahakal police station for the offence punishable under sections under sections 395, 397, 120B r/w. 34 of IPC, applicants be released on bail on furnishing P.R. bond in the

sum of Rs.25,000/- each with one or more sureties in the like amount.

11. The applicants shall attend the Investigating Officer in 1st week of every English calendar month till trial is concluded.

12. The applicants shall neither tamper with evidence nor influence the witnesses in any way.

13. If applicants found involved in similar offence, liberty to move before the Court below for cancellation of bail.

14. The bail applications stand disposed of.

(NITIN W. SAMBRE, J.)