

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

**INTERIM APPLICATION NO.2424 OF 2023
IN
CRIMINAL REVISION APPLICATION [STAMP] NO.11416 OF 2023**

Rajendra Dattatraya KadamApplicant
Versus
State of Maharashtra
Respondent

Mr. Hitesh Mutha, Advocate (Legal Aid Appointed
Advocate) for the Applicant.
Ms. M.R. Tidke, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th JULY, 2023

P.C. :

1. Heard Shri Hitesh Mutha, learned appointed
counsel for the Applicant and Ms. M.R. Tidke, learned APP
for the Respondent-State.

2. This is an application for bail pending the final
disposal of Criminal Revision Application.

3. Learned counsel for the Applicant submitted that the Applicant is very poor financially. He has old parents and two young children to look after. The Applicant was sentenced to suffer RI for two years, out of which he has completed actual imprisonment of one year and five months.

4. Learned counsel for the Applicant submitted that the incident was dated 18.12.2005. It had taken place in the evening. It is alleged that the Applicant along with the Accused No.1 snatched a gold *ganthan* and a *pendent* from PW-2 i.e. first informant's neck. They went away on a motorcycle. After that the FIR was lodged at Satara City Police Station vide C.R. No.144/2005.

5. Learned counsel for the Applicant invited my attention to paragraph-22 of the appellate judgment in which it was mentioned that the test identification parade of the Applicant was not held. He submitted that the first informant identified the Applicant in the Court after three and half years from the date of incident. Therefore, identity of the Applicant was in doubt. He further submitted that the

recovery evidence is doubtful. He, therefore, submitted that in this background, the Applicant deserves to be released on bail.

6. Learned APP opposed this application. He pointed out that in the past the Applicant had not diligently attended the court proceedings.

7. I have considered these submissions. While it is true that in the past the Applicant was not diligent in attending the Court proceedings. However, the fact remains that out of the period of two years, he has already completed more than one year & five months. With remission, he is likely to be released even earlier. Therefore, I do not see any reason to keep the Applicant behind bars at this stage during pendency of the Revision Application, which is likely to take a long time to be decided.

8. Hence, the following order :

:: O R D E R ::

- i. During pendency and final disposal of Criminal Revision Application (stamp) No.11416/2023 filed by the present Applicant, the Applicant is directed to be released on bail on his executing a PR. bond in the sum of Rs.10,000/- (Rupees Ten Thousand Only) with one or two sureties in the like amount. It is made clear that this bail order is passed in connection with the present subject matter only.
- ii. With these observations, Interim Application for bail is disposed of.

(SARANG V. KOTWAL, J.)