

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 456 OF 2023**

Dipak Dyandev Kasavi ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Pooja Agarwal i/b Mr. Prakash Chavan for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 21 APRIL 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 441 of 2015 registered at Chakan Police Station, Pune for the offences punishable under Sections 392 r/w 34 of the Indian Penal Code and Sections 3, 4 r/w 25 of the Arms Act.

3. The allegations against the present applicant and other co-accused are of robbery and assault on police personnels, who came to complainant's rescue.

4. The learned counsel for the applicant submits that in relation to one and the same transaction, the concerned police station had registered two

crimes i.e., present crime for robbery and Crime No. 442 of 2015 for the offences punishable under Sections 307 r/w 34 of the Indian Penal Code and Sections 3, 4 r/w 25 of the Arms Act for assault on police personnels, which is impermissible in law. It is submitted that by order dated 16 August 2018 below Exhibit- 5 in Sessions Case No. 116 of 2016, the applicant has been released on bail in Crime No. 442 of 2015. It is submitted that the applicant is, however, in jail in the present crime for more than four years.

5. The learned APP has not disputed that the applicant has been released on bail in Crime No. 442 of 2015. In that view of the matter, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 441 of 2015 registered at Chakan Police Station, Pune for the offences punishable under Sections 392 r/w 34 of the Indian Penal Code and Sections 3, 4 r/w 25 of the Arms Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)