

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 798 OF 2022

Vikram Deepak Thapa aka Bike	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr. Amol Shinde for the Applicant.
Ms. Rutuja Ambekar, APP for the Respondent/State.
Smt. Aarti Bansode, ACP, Khadki Division, Pune City.

CORAM : N.R. BORKAR, J.
DATE : 27.04.2023

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for bail.
2. The applicant came to be arrested in Crime No. 133 of 2021 registered at Chaturshrungi Police Station, for the offences punishable under Sections 394, 395, 452, 120-B read with 34 of the Indian Penal Code (IPC), Section 4 read with 25 of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (MCOCA).
3. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.
4. According to the prosecution, on the date of incident which took place on 3 March 2021, the present applicant and other co-

accused committed robbery at the house of the complainant and robbed him of gold ornaments worth Rs.4,00,000/- and cash amount of Rs.25,000/-. According to the prosecution, the alleged robbery was committed by the organised crime syndicate formed by co-accused Sandip Hande.

5. Learned counsel for the applicant submits that there is no incriminating material to connect the applicant with the alleged crime or to connect him with the organised crime syndicate formed by co-accused Sandip Hande. It is submitted that there are no criminal antecedents.

6. On the other hand, learned APP submits that there is a material to show that the applicant was in the contact of gang leader. It is further submitted that the witnesses have identified the present applicant in the test identification parade.

7. Admittedly, there is no recovery of incriminating articles at the instance of the present applicant. The applicant is in jail for more than two years and the trial has not yet commenced. Considering the overall facts and circumstances and as there are no other criminal antecedents, I am inclined to release the applicant on bail. In the result, the following order is passed.

ORDER

A] Application is allowed.

B] The applicant- Vikram Deepak Thapa aka Bike, be released on bail in C.R. No. 133 of 2021 registered at

Chaturshrungi Police Station, for the offences punishable under Sections 394, 395, 452, 120-B read with 34 of the IPC, Section 4 read with 25 of the Arms Act, Section 37(1) read with 135 of the Maharashtra Police Act and Sections 3(1)(ii), 3(2) and 3(4) of the MCOCA, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] 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 trial.

D] The applicant shall provide his residential address and mobile number to the concerned police station.

[N.R.BORKAR, J.]