



Diksha Rane

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

BAIL APPLICATION NO.692/2023

JOTIRAM CHANDRAKANT KADAM	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Balkrishna Joshi for the applicant.
Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 9, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 395, 397, 364-A, 109, 114 & 120-B of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3, 5 and 25 of the Indian Arms Act and Section 37 (1) and 135 of the Maharashtra Police Act registered on 26/8/2022 vide C.R. No.667/2022 with Indapur Police Station, Pune Rural.
- 3.** The date of the incident is 26/8/2022, at around 2.30 a.m. There are in all six accused. The applicant is the

accused no.2. It is the prosecution case that the complainant was carrying a cash amount of Rs.3,60,26,000/- along with him and heading towards Mumbai. The accused committed dacoity. The car was fired at and the said amount of Rs.3, 60,26,000/- was taken away. During the course of the investigation, it was revealed that the accused committed the offence. The amount of Rs.3,46,44,500/- was recovered from other accused.

4. Learned APP while opposing the bail application submitted that the tower location revealed that the applicant was along with other co-accused.

5. There are no criminal antecedents reported against the applicant. The applicant is in custody for more than one year and one month with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. The applicant does not appear to be a flight risk.

6. There is no recovery from the present applicant. The test identification parade was conducted when the applicant was neither identified by the complainant nor the driver of the car in which cash was carried. Considering the materials

against the applicant, his role and the fact that there are no criminal antecedents reported against the applicant, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Jotiram Chandrakant Kadam in connection with C.R. No.667/2022 with Indapur Police Station, Pune Rural, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the Investigating Officer of Indapur police station, Pune Rural, once in a month on every first Monday of the month between 11.00 a.m. and 1.00 p.m. till the trial concludes.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the

Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall co-operate with the trial Court and will not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)