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

BAIL APPLICATION NO.740 OF 2023

MANOJ GANPAT KALAN

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. A. S. Khandeparkar, Senior Advocate a/w Adv.
Rushikesh G. Bhagat a/w Adv. Rohit P. Mahadik a/w Adv.
Vaibhav Kulkarni a/w Adv. Prerak A. Sharma a/w Adv.
Apoorva Khandeparkar a/w Adv. Saurabh Mittal a/w Adv.
Farhan Shaikh a/w Adv. Nihir Dedhia i/b. Khandeparkar and
Associates for the applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 5, 2023

P.C. :

- 1.** Heard learned Senior Advocate 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, 201, 341, 120B of the Indian Penal Code (hereafter 'IPC' for short), under Sections 3, 25 of Arms Act and under Sections 37(1)(a), 135 of the Maharashtra Police Act registered on 02.02.2022 vide FIR No.35 of 2022 with Mulund Police Station.

3. The date of the incident is 02.02.2022. There are in all nine accused. The applicant is the accused No.6. The applicant was arrested on 06.02.2022. Four accused entered the office of the complainant and one of the accused was waiting outside. The applicant was waiting in his car which was parked near the office. The applicant is the owner of the car. At gunpoint an amount of Rs.48,00,500/- was robbed from the complainant. The accused fled in the applicant's car.

4. Learned APP submitted that there is material against the applicant. There is a recovery of sum of Rs.2,62,000/- at the instance of the applicant. Learned APP vehemently opposed the application for bail. Learned APP submitted that even the firearm which was used to threaten the complainant was procured by the applicant from Uttar Pradesh. The role of the applicant was pointed out by the co-accused No.8 in his memorandum statement. Learned APP submitted that even the applicant's brother whose statement has been recorded stated that the applicant along with the co-accused travelled to Uttar Pradesh.

Learned APP further submitted that the application should not be entertained.

5. From the amount of Rs.48,00,500/-, an amount of Rs.39,00,800/- has been recovered. The amount of Rs.2,62,000/- has been recovered from the applicant. The accusations against the applicant are that he was driving the car and that he conspired with the other accused to commit the robbery. The applicant is alleged to have destroyed the evidence by changing the number plate of the car and disposing of the mobile phone which was stolen from the office of the complainant.

6. In the facts and circumstances of the present case, considering that the applicant is in custody for more than 19 months with the possibility of the trial concluding any time soon appearing to be remote, the investigation is complete and the charge-sheet has been filed, further custody of the applicant is not necessary considering 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-Manoj Ganpat Kalan in connection with FIR No.35 of 2022 registered with Mulund Police Station 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 Mulund Police Station twice a month on the first and third Monday of every month between 11.00 a.m. to 1.00 p.m.
- (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 not leave the jurisdiction of Mumbai/Mumbai Suburban district and Thane district without the permission of the trial Court.
- (g) The applicant shall attend the trial regularly.

7. The application is disposed of.

8. It is made clear that one of the factor I have considered while enlarging the applicant on bail is that there are no criminal antecedents reported against the applicant and considering his role.

(M. S. KARNIK, J.)