



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

**BAIL APPLICATION NO.845/2023**

VIJAYKUMAR FULCHAND GUPTA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

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Adv. Sheeba Khan a/w. Adv. Nizamuddin Khan a/w. Adv.  
Shaba Khan, Adv. Mohd. Arshad Qureshi for the applicant.

Mr. P. H. Gaikwad, APP for the State.

PI Ajay Kulkarni, Warje Malvadi Police Station, Pune City.  
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**CORAM : M. S. KARNIK, J.**

**DATE : SEPTEMBER 8, 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 379, 397, 120-B read with 34 of  
the Indian Penal Code (hereafter 'IPC' for short) registered  
on 19/7/2021 vide C.R. No.911/2021 with Andheri Police  
Station.

**3.** Learned APP opposed the application for bail on merits  
as well as on the ground that there are 12 cases registered  
against the applicant. He further submits that if the

applicant is enlarged on bail, the propensity of the applicant to commit offences is such that he will commit such offence in future.

**4.** The incident took place on 19/7/2021. The complainant was carrying a bag containing gold bangles. The accused seven in number, boarded the bus and fled with the said bag. The applicant is arrested on the basis of the statement of the co-accused. One of the co-accused Shaitansingh who is alleged to be the purchaser of the stolen property is enlarged on bail by this Court by an order dated 15/2/2023 in Bail Application no.1118 of 2022. The applicant, of course, cannot seek parity. However, the materials if perused, there is nothing incriminating on record as against the applicant except for the statement of the co-accused. There is no recovery from the applicant. As per learned counsel for the applicant, the applicant was acquitted in seven cases out of twelve. Though there are criminal antecedents, in the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. I am of the opinion that the criminal antecedents, though of similar nature, should not be a factor to deprive the applicant the

facility of bail.

**5.** The applicant was arrested on 1/8/2021 and is in custody for more than two years with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. Hence, the following order :-

**ORDER**

(a) The application is allowed.

(b) The applicant- Vijaykumar Fulchand Gupta in connection with C.R. No.911/2021 with Andheri Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the Investigating Officer of Andheri police station once in a week on every Saturday of the month between 11.00 a.m. and 1.00 p.m. till conclusion of the trial or further orders of the trial Court.

(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) He shall not leave Mumbai/Mumbai Suburban District without intimating to the investigating officer or without permission of the trial Court till the trial is concluded.

(g) The applicant shall attend the trial regularly.

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

**6.** The application is disposed of.

**(M. S. KARNIK, J.)**