

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

BAIL APPLICATION NO.1033 OF 2022

Paltu @ Bangali Pareshchandra Pradhan ..Applicant

VS.

The State of Maharashtra ..Respondent

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Adv. Anjali Patil for the applicant.

Adv. H. J. Dedhia, APP for the State.

Mr. R. M. Tadv, API, Crime Brach Unit-I, Navi Mumbai is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 10, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Paltu @ Bangali Pareshchandra Pradhan in connection with C.R. No.468 of 2021 dated 12/11/2021 registered with Rabale Police Station for the offence punishable under Sections 394, 170 and 34 of the Indian Penal Code, 1860.

3. This is an application for bail. The applicant is co-accused No.3. The co-accused Afzal Kadar Kannad had

approached this Court by filing Bail Application No.1031 of 2022. Afzal Kannad was granted bail by this Court by an order dated 03/01/2023. The said order reads thus :-

"1. Heard learned counsel for the applicant and the learned APP.

2. This is an application for bail by the applicant- Afzal Kadar Kannad in connection with C.R. No.468 of 2021 dated 12/11/2021, registered with Rabale Police Station, under sections 394, 170 and 34 of the Indian Penal Code, 1860.

3. The date and time of the incident is on 11/11/2021 at around 10.00 a.m. The First Information Report (FIR) is lodged on 12/11/2021. The applicant was arrested on 13/11/2021. The supplementary statement of the complainant came to be recorded on 14/11/2021. Thereafter, section 395 of IPC came to be added.

4. The allegation in brief is that the 2 accused persons were on the motor cycle. The complainant and one of his colleague had cash amount of Rs.25,00,000/- with them. The 2 accused followed the complainant and somewhere near Kanjurmarg snatched the bag containing cash amount of Rs.25,00,000/- and fled. The FIR was initially registered against 2 accused. On 14/11/2021, the complainant said that he was informed by the police that there are others involved in the commission of the offence and they were keeping close watch while traveling in the Swift Dezire car. The applicant was said to be traveling in the said Swift Dezire car. The complainant in the supplementary statement dated 14/11/2021 says that upon being informed by the police, he realised that there was a Swift Dezire car parked at some distance and that Swift Dezire car followed them.

5. The applicant is identified by the complainant in the test identification parade. An amount of Rs.1,00,000/- in cash was recovered from the house of the applicant. Prima facie from the materials collected in the charge-sheet, there is nothing to indicate that the money is a part of the stolen cash. There are no criminal antecedents reported against

the applicant. Taking an over all view of the matter and considering the role of the applicant, further considering that the applicant is in custody since 13/11/2021 i.e. almost for a period of 1 year and 2 months, with the investigation complete and charge-sheet filed, the applicant can be released on bail. There is nothing to infer that the applicant will flee and avoid facing trial.”

4. The applicant who also alleged to be travelling in a Swift Desire car. The co-accused who were on the motor cycle, who actually committed the robbery have been released on bail by the Sessions Court. So far as the applicant is concerned, it is alleged by the prosecution that he was the employee of the company in respect of whom the cash was stolen. It is alleged that it is the applicant who provided the information regarding the movement of the employees who were to collect the cash of the company. The applicant was arrested on 13/11/2021. Learned APP therefore submitted that the applicant’s role is far greater than that of the co-accused.

5. From the applicant a sum of Rs.2.50 lakhs has been recovered. The charge-sheet has been filed and the investigation is complete. The applicant is in custody for more than 1 year and 4 months. All other co-accused have

been granted bail.

6. Learned APP submits that there is possibility of the applicant tampering with the evidence and threatening the witnesses i.e. the employees of the company. There are no criminal antecedents reported against the applicant. The apprehension expressed by learned APP can be taken care of by imposing certain stringent conditions on the applicant.

7. Learned counsel for the applicant on instructions made a statement that the applicant is willing to stay outside the jurisdiction of the Thane district till the trial is over. Statement is accepted.

8. Hence, the following order :-

ORDER

(a) Application is allowed.

(b) Applicant-Paltu @ Bangali Pareshchandra Pradhan shall be released on bail in connection with C.R. No.C.R. No.468 of 2021 dated 12/11/2021 registered with Rabale Police Station, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) 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.

(d) The applicant shall attend the concerned Police Station once in a month on every Sunday of the first week between 11.00 a.m. and 1.00 p.m.

(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 enter the area of Thane district except for the purpose of attending the trial Court and the Investigating Officer.

(g) The applicant shall reside outside the area of Thane district till the trial is over and till further orders of the trial Court.

9. The Bail Application is disposed of.

(M. S. KARNIK, J.)