

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

**BAIL APPLICATION NO. 4180/2021
(THROUGH JAIL)**

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DAVID CHARLS ANTHONY @ KONDOR ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Omkar Nagwekar for the applicant.
Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 17, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application through jail. Learned APP handed over the copy of the charge-sheet to learned counsel for the applicant who was appointed by this Court to represent the applicant.
- 3.** My attention is invited to the charge-sheet. The allegation is that the applicant along with two other accused had assaulted the complainant and took away Rs.1,24,000/- and other belongings from the complainant. It is alleged that they had entered in the auto-rickshaw and committed

the offence.

4. I am informed by learned counsel for the applicant that the trial Court has already released the co-accused Rafiq Rais Mohammad Ansari and Saraswati alias Sarshi Dhiraj Goregaonkar on bail.

5. The offence is under Sections 397, 364 read with 34 of the Indian Penal Code (hereafter 'IPC' for short). The applicant was released on Covid bail and has since surrendered. The co-accused who was having a weapon in his hand has been released on bail by the Sessions Court. It is the allegation that the applicant had snatched the gold chain.

6. Considering that the offence under Section 397 of the IPC is punishable with imprisonment upto 7 years and applicant was arrested on July 12, 2019, the applicant can be released on bail. There are no criminal antecedents reported against the applicant. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant in connection with FIR No.511/2019 registered with Dindoshi Police Station, shall be

released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant shall report to the Investigating Officer of the concerned police station once in a month on every Monday, between 11.00 a.m. and 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.

7. The application is disposed of.

8. I express my gratitude for the able assistance rendered by learned counsel Mr. Omkar Nagwekar who appeared on behalf of the applicant and argued in support of the applicant's case.

9. This order be communicated to the applicant through Jail Authorities.

(M. S. KARNIK, J.)