

Nikita

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

BAIL APPLICATION NO.2513 OF 2022

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Anil @ Dadya Ramdas Pawar

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Ritesh Thobde a/w Mr. Sagar Tambe a/w

Mr. Changdev Shingade for the Applicant.

Mr. Amit A. Palkar, APP for the State/Respondent.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 2, 2023

P.C.:

1. This is an application under Section 439 of Code of Criminal Procedure, 1973 in connection with C.R. No.192 of 2018 registered with Miraj Lohmarg Police Station for offences punishable under sections 120B, 356, 395 of the Indian Penal Code, 1860 .

2. According to prosecution, informant namely Nirmala Ravindra Kambale, age 25 years, residing at Flat No.7, Mali Aali, Talegaon Dabhade, Taluka Maval, District Pune was travelling from Pune to Belgaon on 12th July 2018 in train No.17318-Lokmanya Tilak Terminus Hubli Express in the Bogie No.S-7 by reserving seat Nos.2 and 5. She boarded at 11:15 p.m. from Pune Station. There are five other co-passengers in the said bogie. That when said train

was stopped between Koregaon and Rahimatpur railway station, at 3:45 p.m., unknown person has snatched her gold ornaments namely “Mangalsutra” on her person, at that time, she was in slept and when she realized what was happening, she woke up and shouted. Due to noise informant’s husband woke up and with the help of co-passengers tried to find out snatcher but no one was there out of the train. She also tried to find out ticket inspector and railway police but no one was found at that time. Therefore, she after completion of her journey came to lodge report against unknown person. Accordingly, report was registered.

3. In pursuance of transfer remand warrant, the custody of applicant was taken on 21st October 2021. The investigation agency has recorded a statement witnesses and after completion of the investigation, filed charge-sheet against the accused No.1. By supplementary charge-sheet dated 15th January 2022, additional Sections namely 395, 120(B) of the Indian Penal Code, 1860 were added.

4. On perusal of the charge-sheet and material on record, it appears that except memorandum of statement of co-accused Amol Ramdas Pawar, there is no other material against the applicant. The recovery of the article is effected from accused No.1. Co-accused Amol Ramdas Pawar has been released on bail by the Sessions Judge Satara. The co-accused Amol had eight antecedents. However, the applicant has also 14 antecedents to his discredit.

5. The applicant is in custody from 21st October 2021, except

memorandum of statement of co-accused Amol, there being no other material and release of co-accused on bail entitles the applicant for release on bail. Hence following order.

- a) The applicant Anil @ Dadya Ramdas Pawar be release on bail in connection with C.R. No.192 of 2018 registered with Miraj Lohmarg Police Station for offences punishable under sections 120B, 356, 395 of the Indian Penal Code, 1860, on furnishing PR. bond of Rs.25,000/- along with one or two sureties in the like amount.
 - b) The applicant shall attend each and every date before the Trial Court unless specifically exempted by the Court;
 - c) The applicant shall mark his presence before the investigating officer on first Saturday of each month between 11.00 a.m. to 02.00 p.m. till the completion of the trial;
 - d) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court;
 - e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;
6. The bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)