

Nikita

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

BAIL APPLICATION NO.2668 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.229 of 2018 registered with Miraj Lohmarg Police Station, District Sangli for offences punishable under sections 120B, 356, 395 of the Indian Penal Code, 1860 .

2. According to prosecution, informant-Bhagyashri Baburao Ubale, age 58 years, Occupation : Housework, Residing at NL-4, Building No.12, Room No.03, Sector No.15, Shri Ganesh Apartment, Nerul, Navi Mumbai was travelling from Kurla to Miraj on 18th August 2018 by train No.17318-Lokmanya Tilak Terminus Hubli Express in general bogie along with her daughter and daughter-in-law. She boarded from Kurla Station. When said train

was stopped between some unknown place at 02:30 a.m., unknown person has snatched her gold ornaments which she has on her person and when she shouted “who is this who is this?” by that time culprit ran away. After five minutes of the incident some unknown persons came from out side and told her that “don’t open the doors and windows, we are police man”. The informant was not aware about why train is stopped in between. Thereafter, when train reached at Satara Railway Station, at that time, police arrived at and informed to the informant that there was theft in the other bogie as well. However, train was proceeded further to Miraj Station and informant alighted at Miraj Railway Station and registered report accordingly.

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.229 of 2018 registered with Miraj Lohmarg Police Station, District Sangli 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.)