

Nikita

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

BAIL APPLICATION NO.2652 OF 2022

Digitally
signed by
NIKITA
KAILAS
DARADE
Date:
2023.08.03
17:59:03
+0530

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.53 of 2017 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-Pratik Prakash Thakare , age 25 years, Occupation-Service, residing at-Flat No.5, Samarth Park Society near MSEB, Pratik Nagar, Vishrantiwadi, Pune was travelling from Kesalbag to Pune on 29th July 2017 in train namely Goa Express in the Bogie No.S-9, Berth No.48 and 64 along with his wife Aakansha. When said train was proceeded from Miraj Ralway Station at 12:30 a.m. his wife suddenly shouted

saying “Chor Chor” and told him that someone has snatched her gold ornaments from putting hand in window. At that time, the informant tried to catch the accused but unknown person has pelted stone on him. Hence, he has lodged report against unknown accused.

3. In pursuance of transfer remand warrant, the custody of applicant was taken on 20th 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 20th 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.53 of 2017 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.)