

Nikita

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

BAIL APPLICATION NO.2829 OF 2022

Anil @ Dadya Ramdas Pawar

... Applicant

V/s.

The State of Maharashtra

... Respondent

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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 Cr. No. 189 of 2018 u/s. 120-B, 356 and 395 of the Indian Penal Code, 1860 registered with Miraj Lohmarg Police Station.

2. According to prosecution, informant namely Vinaya Abhay Kembale age 49 years, Occupation : Housework, Residing at Rani Channama Nagar, 707/B/4, Near SBI Belgaon, Karnataka was travelling from Panvel to Belgaon on 12.07.2018 in train No. 17318 Lokmanya Tilak Terminal Hubali Express in the Bogie No.5 by reserving seat Nos. 20 along with her mother and brother. She boarded from Panvel station. That when said train was stopped between Koregaon and Rahimatpur railway station at 3.30 am,

unknown person has snatched her Wallet which she has kept below her head at the time of sleep and when she realized what was happening, she woke up and shouted and intimated said fact to her mother and brother. That with the help of co-passengers tried to find out snatcher but some unknown persons have pelted stones towards doors of train hence doors of train are closed by the passengers. Thereafter, passengers have made complaints on railway help line number. That after some time when train was proceeded forward ticket checker came to the bogie and taken complaint of the informant and told that unknown persons have robbed passengers in the train. That the informant has lost her gold ornaments and mobile phone having price of Rs.55,000/- approx. Therefore, on the basis of the above said complaint Senior Police Inspector, Miraj Lohmarg Police Station and registered FIR bearing CR No. 189 of 2018 initially u/s. 379 and 120B of Indian Penal Code, 1860 against unknown person.

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 8 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.189 of 2018 u/s. 120-B, 356 and 395 of the Indian Penal Code, 1860 registered with Miraj Lohmarg Police Station. On furnishing P.R. 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.)