



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

BAIL APPLICATION NO. 2565 OF 2023

VINIT PRAMOD SHUKLA ALIAS VIRAT ..APPLICANT

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Sanjay Patil for the Applicant.

Mr. P. H. Gaikwad, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 394, 395, 397 of the Indian Penal Code read with Sections 3, 25 of the Arms Act registered on 15/02/2021 vide C.R. No.92 of 2021 with Shantinagar Police Station, Thane.

3. My attention is invited to the order dated 07/02/2023 passed by this Court where the earlier application for bail was withdrawn with liberty to file a fresh application for bail

after six months if the trial does not proceed substantially. I am informed that even the charge is not framed so far. So far as the co-accused Ali Hussain Afzal Ansari is concerned, who has a greater role than the present applicant has been enlarged on bail by this Court. The order dated 13/10/2022 in Bail Application No. 3389 of 2021 reads thus:

"1. This is an application under Section 439 of Code of Criminal Procedure for bail.

2. The applicant came to be arrested in Crime No.92 of 2021 registered at Shantinagar Police Station, Thane for the offences punishable under Sections 394, 395, 397 of the Indian Penal Code and Section 3 read with 25 of Indian Arms Act.

3. It is the case of the prosecution that on 14 February 2012 the present applicant along with other co-accused entered into the office of Siddharth Textiles and committed robbery. According to the prosecution, while committing the robbery the present applicant and other co-accused caused hurt to witness Jagdish Rajpurohit.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent – State.

5. Admittedly, the FIR was lodged against the unknown persons. During the investigation, the test identification parade was conducted and in the said test identification parade, the witnesses have not identified the present applicant. There are no criminal antecedents. The applicant is in jail for more than 1 and ½ years. Considering these facts, I am inclined to release the applicant on bail."

4. Even the co-accused Tauqeer Ali Akbar Ali Ansari is enlarged on bail by an order dated 12/10/2023 passed in Bail Application No.3065 of 2022 by this Court.

5. Learned APP opposed the application.

6. Considering that the applicant is in custody since 18/02/2021 for a period of more than 2 years and 9 months without the possibility of trial concluding any time soon, I am inclined to enlarge the applicant on bail. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Vinit Pramod Shukla alias Virat in connection with C.R. No.92 of 2021 registered with Shantinagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Shantinagar police station once in three

months every first Saturday of the concerned month between 11.00 a.m. and 4.00 p.m. commencing January 2024, till the conclusion of the trial.

(e) 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.

(f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)