

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

BAIL APPLICATION NO.4186/2021

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ANIL SAKHAR SHINDE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. N. M. Nadar for the applicant.

Mr. S. V. Gavand, APP for State.

PSI Savaji, Virar Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 16, 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 Section 302, 397, 459, 460 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) read with Sections 3, 25, 27 of the Arms Act read with Section 37(1)(3) of the Maharashtra Police Act, registered vide First Information Report (FIR) No.1178/2019 with Virar Police Station.

3. The date of the incident is December 15, 2019. The

FIR is registered on December 16, 2019. The applicant was arrested on December 17, 2019. There are three accused in all. It is the case that the applicant along with other co-accused attempted to commit dacoity in shop of the relative of the deceased. They had almost succeeded in stealing cash of Rs.2,50,000/-. However, there was resistance as one of the relative entered the shop. In the scuffle that followed, the co-accused fired a shot which resulted in death of the relative of the informant. It is alleged that the applicant made good his escape. However, the motorcycle on which the assailants had come, was left behind. The owner of the motorcycle, who is a witness gave a statement that the applicant was working along with him in a company and that the applicant had borrowed the motorcycle for some time.

4. The application is strongly opposed by learned APP.

5. The assailants were wearing mask and therefore, there is no question of identifying them. The gun shot is attributed to the accused no.2. Nothing has been recovered from the applicant as the attempt to commit dacoity failed.

It is stated that there are no criminal antecedents reported against the applicant.

6. Considering the nature of the accusations, the role of the applicant and more particularly that the applicant is in custody since December 17, 2019 i.e. for more than three years with no possibility of the trial concluding anytime soon, in my opinion, the applicant can be released on bail. The investigation is complete. The charge-sheet has been filed. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant-Anil Sakhar Shinde in connection with FIR No.1178/2019 with Virar 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 shall report to the Investigating Officer of the concerned police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(d) 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.

(e) 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.

7. The application is disposed of.

(M. S. KARNIK, J.)