

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

BAIL APPLICATION NO. 3184 OF 2022

Salman Ramdiya Puhall

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Jyotiram S. Yadav - Advocate for the Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

PSI Keshav V. Hasgule – Dombivali Police Station

CORAM : S. M. MODAK, J.

DATE : 06th JUNE, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP.

2. In respect of an offence registered with Dombivali Police Station at C.R. No. 348 of 2021, the Police have already filed charge-sheet. The offence is under Sections 395, 397 read with 34 of the Indian Penal Code and under Section 4 of the Arms Act and under Section 37(1) read with 135 of the Maharashtra Police Act.

3. The first informant when he was returning home in the intervening night of the 24/12/2021 and 25/12/2021, he was robbed by three to four unknown persons. His laptop, mobile and

other articles were robbed. The robbers have covered their faces.

4. During custodial interrogation, nothing incriminating material is seized at the instance of the present Applicant. All robbed articles are seized at the instance of the accused Aashu Dumada on 28/12/2021.

5. There is test identification parade is conducted wherein the first informant has identified the present Applicant. It is true that the incident took place in the midnight and the first informant himself said that the robbers have covered their faces. On the basis of these facts, contention is raised that there is hardly any possibility for the first informant to see the robbers.

6. There is statement recorded by one Aakash Bod. He has viewed the CCTV recording from the camera installed by the Kalyan Dombivali Municipal Corporation. From those footages he has identified the present Applicant as one of the robber. The pen drive is seized.

7. Be that it may, the Applicant is behind bar for the more than one and half year and one does not know when the trial will start. There are criminal antecedents pointed out to me. There is no recovery from him or at his instance.

8. Considering the above circumstances, the Applicant is entitled to release on bail. Hence Order:-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant-Salman Ramdiya Puhall arrested in connection with C.R. No. 348 of 2021 registered with Dombivali Police Station for the offence punishable under Sections 395, 397 of the Indian Penal Code and under Sections 4, 25 of Indian Arms Act and Section 37(1) read with 135 of the Maharashtra Police Act Act, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/-.
- (iii) Applicant is directed to give attendance to the Dombivali Police Station on first Monday of every month from 10.00 a.m. to 12.00 noon for one year.
- (v) Applicant shall not threaten the prosecution witnesses.
- (vi) The Applicant is directed to give surety of the person who is having residence in Kalyan Taluka.
- (vii) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.

5. It is made clear that these are my prima facie observations and the trial Court shall decide the case on its own

merits without influenced by the observations made in this order.

6. Bail Application is disposed of in the aforesaid terms.

7. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]