

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

CRIMINAL BAIL APPLICATION NO. 3062 OF 2022

Samshersingh Gurudayalsingh Rajput ...Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Omneel Ashok, for the Applicant.

Mr.A.A. Palkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th OCTOBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No. 183 of 2018 registered with Shikrapur Police Station, Pune, for the offence punishable under Sections 394, 397 read with Section 34 of the Indian Penal Code ('IPC' for short) and Section 3, 25 of the Arms Act.

2. It is prosecution's case that, first informant while returning home, at that time Accused No.2 and Applicant came from behind on a motorcycle, Accused No.2 fired bullets at first

informant which hit the first informant on his right leg and left hand. The Applicant threatened first informant and the Accused No.2 snatched gold chain from the first informant and ran away, thereafter they stayed at the Applicant's rented house.

3. It is contention of the learned counsel for the Applicant that, allegations against the Applicant are that, he was present with the other accused at the time of the incident and he threatened the first informant. But in Test Identification Parade first informant has not identified the Applicant. The mobile phone belonging to the first informant is recovered at the instance of the Applicant. Applicant is behind bar more than four years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. Learned APP submitted that, Applicant was present with the Accused No.2 who fired at the first informant and snatched gold chain of the first informant. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both learned counsel. Perused FIR and charge-sheet.

6. The allegations against the Applicant are that, he was present with the Accused No.2 at the time of the incident and mobile phone of the first informant is recovered at the instance of the Applicant. In Test Identification Parade first informant identified Accused No.2, but he has not identified the Applicant. Applicant is behind bar more than four years. Investigation is completed and charge-sheet has been filed.

7. Considering the above, further detention of the Applicant is not required.

8. In view of above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No. 183 of 2018 registered with Shikrapur Police Station, Pune, on furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Shikrapur Police Station, Pune, once in a

month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.

(v) Application is allowed in the aforesaid terms.

Digitally signed
by NILAM
SANTOSH
KAMBLE
Date:
2021.10.10
18:33:02 +0530
NILAM
SANTOSH
KAMBLE

(SHIVKUMAR DIGE, J.)