

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3650 OF 2022

Sandeep Chandrakant Khot ... Applicant

V/s.

State of Maharashtra ... Respondent

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Ms. Suvarna Avhad a/w. Ms. Manali Sohani and Mr. Rahul Digambar, Advocate for Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

PSI – Mr. Suryakant P. Kamble, Dahisar Police Station present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 25th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 538 of 2021 registered with Dahisar Police Station, Mumbai for the offences punishable under Sections 397, 365, 170, 504, 506(2) of Indian Penal Code, 1860 (for short “IPC”) and Section 37(1)(A) and 135 of Maharashtra Police Act.

2. It is the prosecution’s case that two unknown persons impersonating themselves as a Police robbed the first informant on 12.05.2021 and kidnapped him in their car and took out the amount

of Rs.7,000/- from shirt and pant pocket of the first informant at the point of knife. It is alleged that Applicant and co-accused also took out the bag containing bidi and cigarette packets.

3. It is contention of learned Counsel for the Applicant that there is delay in lodging the complaint. Applicant is falsely implicated in this case. Applicant is behind the bar more than 2½ years. The co-accused at whose instance the car allegedly used in the crime has been recovered, is released on bail. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the Application.

4. Learned APP submitted that Applicant has two antecedents. The amount of Rs.7,000/- and bag containing biddy and cigarette packet is recovered at the instance of Applicant. It shows his involvement in the crime. Hence, requested to reject the Application.

5. I have heard both the learned Counsel. Perused the FIR and charge-sheet. The co-accused at whose instance car used in the crime is recovered has been released on bail while robbing account. No injury was caused to the complainant. Applicant is behind the bar more than 2½ years. Investigation is completed and charge-sheet has been filed. Yet trial has not been started. No one knows how many days it would take to conclude the trial.

6. Considering the above facts, I am inclined to allow the Application and I pass the following Order:

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 538 of 2021 registered with Dahisar Police Station, Mumbai on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

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

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.10.04
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