

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

BAIL APPLICATION NO. 3437 OF 2023

Balaji Ramesh Gaikwad ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Piyush Toshniwal i/by Mr. Ashish P. Pawar - Advocate for the Applicant

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

CORAM : S. M. MODAK, J.

DATE : 04th NOVEMBER 2023

P. C. :-

1. Heard learned Advocate for the Applicant-accused and learned APP for the Respondent-State.
2. It is true that earlier bail application no. 2645 of 2021 filed by this Applicant came to be rejected on 15/02/2023. Liberty was granted to him to apply after three months.
3. Now this Bail application is filed on two grounds:-
 - (a) Three months period is over.
 - (b) Co-accused Abhishekkumar Ranjit Singh was granted bail as per Order dated 27/09/2023 passed in Bail Application No. 2759 of 2023.
4. Whereas learned APP opposed the bail on the ground that the role of the Abhishekkumar Ranjit Singh and present Applicant is different.

Against the present Applicant - Balaji Ramesh Gaikwad there are two offences registered in State of Karnataka under Section 307 of the Indian Penal Code and another under Section 326 of the Indian Penal Code.

5. I am inclined to grant him bail for the reason that co-accused is granted bail recently as per Order dated 27/09/2023, it is annexed on page no. 196 of the application. If there are other offences stricter conditions can be imposed and denial of the bail is not proper way.

6. The offence is registered against in all five unknown persons with Karad Taluka Police Station on 11/03/2019. After 2.30 p.m., four of the persons entered into the Bank and by showing revolver and by firing, they robbed away an amount of Rs. 32,26,675/-. Fifth person was car driver. There is recovery of the robbed mobile handset at the instance of the present Applicant. So also the Applicant is identified in the parade by the first informant and other relatives.

7. Be that it may, yet trial has not begun. Person cannot be detained for long period. Case is made out for granting the bail.

8. In view of that following order is passed:-

ORDER

(i) Bail Application is allowed.

(ii) The Applicant-Balaji Ramesh Gaikwad arrested in connection with C.R. No. 100 of 2019 registered with

Karad Taluka Police Station, District Satara for the offence punishable under Sections 395, 397, 400 read with 34 of the Indian Penal Code and under Sections 3 (25) of the Arms Act, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 50,000/-.

(iii) Applicant is directed to give attendance to the Karad Taluka Police Station, District Satara on first and third Sunday from 10.00 a.m. to 12.00 noon for two years after release.

(iv) Applicant shall not threaten the prosecution witnesses and allure them in any manner.

(v) Applicant is directed to give contact number and his residence address to the investigating officer and also in case of change of address and contact number.

(vi) Applicant is directed not leave the State of Maharashtra without intimating the trial Court.

(vii) The Applicant shall regularly attend the proceedings before the trial Court.

(viii) Applicant is possessing passport, let it be surrendered with the investigating Officer.

9. 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.

10. Bail Application is disposed of in the aforesaid terms.
11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]