

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3254 OF 2022**

Rocky Montu Shaikh @ Rocki SK ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Chandrakant Yadav a/w Mr. B.R. Yadav for the Applicant.
Ms Veera Shinde, APP for the State.

.....

CORAM : N.R. BORKAR, J.
DATED : 3 FEBRUARY 2023

P.C. :-

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The applicant came to be arrested in Crime No. 38 of 2022 registered at Kamshet Police Station, Pune for the offences punishable under Sections 395 read with 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and perused the First Information Report.

4. The allegations against the present applicant and other co-accused are of robbery. According to the prosecution, on the day of incident which took place on 30 March 2022, the present applicant and other co-accused robbed the truck which was carrying chickens.

This order is corrected pursuant to the speaking to minutes of the order dated 20 April 2023.

5. The report was lodged against unknown persons. Thus, after the arrest of the applicant Test Identification Parade ought to have been conducted. However, the same is not done. There is no recovery at the instance of applicant to connect him with the alleged crime. Considering these facts and as there are no other criminal antecedents, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 38 of 2022 registered at Kamshet Police Station, Pune for the offences punishable under Sections 395 read with 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

This order is corrected pursuant to the speaking to minutes of the order dated 20 April 2023.