

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3732 OF 2022

Nagraj Narsim Gauda

.... Applicant

Versus

The State of Maharashtra

.... Respondent

.....

Mr. Aamir Shaikh, Advocate for the Applicant.

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

PSI – S.A.Yadav, Kamothe Police Station, Navi Mumbai present.

.....

CORAM : SHIVKUMAR DIGE, J.

DATE : 18th OCTOBER, 2023.P.C. :

1. By this Application, Applicant is seeking bail in C.R.No. 134 of 2022 registered with Kharghar Police Station, Navi Mumbai for the offences punishable under Section 395, 420, 170, 120(B) read with 34 of Indian Penal Code, 1860 (for short “IPC”).

2. It is the prosecution’s case that first informant was cheated and robbed by co-accused on the pretext giving gold for lumpsum price. It is alleged that Applicant was keeping watch on the activities of complainant when he would come to Mumbai.

3. It is contention of learned Counsel for the Applicant that Applicant has been falsely implicated in this case. There is no incriminating material produced to show the involvement of the Applicant in the crime.

Applicant is behind bar more than 17 months. Hence, requested to allow the Application.

4. Learned APP submitted that in the statement of co-accused Rizwan Khan, he has stated that Applicant used to do 'Reki'. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

5. I have heard both the learned Counsel. Perused the FIR and charge-sheet. There is no incriminating material produced on record to show the involvement of the Applicant in the crime, except the disclosure statement of co-accused which is weak piece of evidence. Applicant is behind bar more than 17 months. Investigation is completed and charge-sheet has been filed it may take time to conclude the trial.

6. In view of the above, I pass following Order :

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 134 of 2022 registered with Kharghar Police Station, Navi 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 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.

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

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.10.21
15:04:53
+05'30

(SHIVKUMAR DIGE, J.)