

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

CRIMINAL BAIL APPLICATION NO. 3529 OF 2022

Siddharth @ Siddhu Ramesh Janmejal ...Applicant

V/s.

The State of Maharashtra ... Respondent

Mr.Deepak Mishra, for the Applicant.

Ms.P.N. Dabholkar, 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.42 of 2021 registered with Talasari Police Station, Palghar, for the offence punishable under Sections 395, 397 and 341 of the Indian Penal Code ('IPC' for short).

2. It is prosecution's case that, on 25th March 2021 one Nandlal Khетram Panwar, who was Manager of East India Transport Agency, lodged a report that, on 25th March 2021 cigarette worth Rs.1,59,21,031/- was loaded in a Truck bearing No.GJ-27-V-8312, which was transporting from Navi Mumbai to

Ahmedabad. Driver Abdul Kayum Gulam Kadar was driving the said truck. On same day at about 1.00 noon said truck was found parked at the Dapcharge village on the Mumbai-Ahmedabad High way, cigarette boxes loaded in a truck were empty and the driver was missing. Hence report was lodged against the driver of the said truck, for the offence of criminal breach of trust. Thereafter police located driver of truck he gave a statement before Police that on 25th March 2021 at about 6.30 p.m at Wada road some persons stopped his truck. Thereafter, those persons tied his hands and legs and put cloth in his mouth and took him in a jungle and flee away with boxes of cigarettes. In investigation police arrested the Applicant and other co-accused. One co-accused is released on bail by the trial Court.

3. It is contention of the learned counsel for the Applicant that, nothing is seized at the instance of the Applicant. Applicant has been falsely implicated in this case. No Test Identification Parade of Applicant has been conducted. Investigation is completed and charge-sheet has been filed.

Applicant is behind bar more than two years. Hence, requested to allow the Application.

4. The learned APP submitted that, Applicant was part of the group who robbed the cigarette boxes from the truck. Applicant has antecedents. There is *prima facie* case against the Applicant. Hence, requested to allow the Application.

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

6. Allegations against the Applicant are that, he was part of the group who robbed the cigarette boxes from the truck of the first informant. No Test Identification Parade was taken to identify that involvement of the Applicant. There is no recovery at the instance of the Applicant. The co-accused has been released on bail by the trial Court. Investigation is completed and charge-sheet has been filed. The Applicant is behind bar more than 2 years. Yet charge has not been framed. It may take time to conclude the trial.

7. Considering the above facts, 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.42 of 2021 registered with Talasari Police Station, Palghar 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 Talasari Police Station, Palghar 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.

(SHIVKUMAR DIGE, J.)

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by NILAM
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