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

BAIL APPLICATION NO.3786/2022

LIKHIT @ NIKHIT GOPAL SHETTY
VS.

..APPLICANT

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Keshav Chavan for the applicant.
Ms. P. N. Dabholkar, APP for State.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 19, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 395, 363, 170, 120-B of the Indian Penal Code (hereafter 'IPC' for short), registered vide First Information Report (FIR) No.166/2016 with BKC Police Station.
- 3.** The applicant is accused no.1. It is the allegation that it is the applicant who introduced the other accused to the complainant. This is the role of the applicant. It is alleged by the complainant that he was doing business of selling and

purchasing of antique stones. He had 41 carat 'Ruby' which he wanted to sell for Rs.5 lakhs. The offence is in respect of the robbery of said stone which is worth Rs.5 lakhs.

4. I do not intent to burden this order with detail facts. Suffice it to observe that in respect of the main accused—K. F. Yunus and Nasir Ahmed Kaleemi, this Court by an order dated July 17, 2021 passed in Criminal Bail Application No.1456/2020 and Criminal Bail Application No.84/2020 has released them on bail on the ground of long incarceration. Apart from this, in paragraph 8 it is observed thus: -

“8. Thus, from the recovery it appears that the entire amount in this case is not in crores, but was around Rs.44,933/- for the ruby and some cash amount which will not go beyond Rs.1 lakh. For this offence, the Applicants are in custody for about 5 years. No injury was caused to the informant. The role attributed to the Applicant Yunus is very minor. Even as far as the Applicant Nasir is concerned, he was supposed to be person in Xylo car. But he had not assaulted the informant and his companions. No weapon was used in this offence. In this view of the matter, considering the fact that the trial is not likely to get over soon, I am inclined to grant bail to the present Applicants. Learned counsel for the Applicants make a voluntary

statement that the Applicants are ready and willing to furnish local solvent sureties.”

5. So far as the applicant is concerned, the only role assigned to him is that he introduced the other accused to the complainant. The applicant is in custody since the date of his arrest i.e. from July 25, 2016, for a period of almost six and half years. There are no criminal antecedents reported against the applicant. For the reasons mentioned in the order dated July 17, 2021 passed by this Court and on the ground of long incarceration, even present applicant can be enlarged on bail. Hence the following order.

ORDER

(a) The application is allowed.

(b) The applicant-Likhith @ Nikhit Gopal Shetty- in connection with FIR No.166/2016 with BKC Police Station, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.

(c) The applicant shall attend the dates in the trial Court regularly unless exempted by the trial Court.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.

6. The application is disposed of.

(M. S. KARNIK, J.)