

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3819 OF 2022

Mangesh Bandu Gunde ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shailesh Kharat for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 10 APRIL 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 133 of 2021 registered at Chaturshrungi Police Station, for the offences punishable under Sections 394, 395, 452, 120-B r/w. 34 of Indian Penal Code, Section 4 r/w. 25 of the Arms Act, Section 37(1) r/w. 135 of the Maharashtra Police Act and Sections Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. According to the prosecution, on the date of incident which took place on 3 March 2021, the present applicant and other co-accused committed robbery at the house of the complainant and took away gold ornaments worth Rs.4,00,000/- and cash amount of Rs.25,000/-. According to the prosecution, the alleged robbery was committed by the organized crime syndicate formed by co-accused Sandip Hande.

5. The learned Counsel for the applicant submits that there is no incriminating material to connect the applicant with alleged crime. It is submitted that the witnesses have not identified the applicant in test identification parade.

6. On the other hand, the learned APP submits that there is evidence to show that the gang leaders Sandip Hande had made phone call to the present applicant and called him to Pune. It is submitted that applicant was part of conspiracy to commit robbery. It is further submitted that there is a recovery of knife at the instance of the applicant.

7. Admittedly, the report was lodged against unknown persons. The witnesses have not identified the applicant in test identification parade. There is no recovery of stolen articles at the instance of the present applicant. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. Hence, the following order is passed :

(i) Application is allowed.

(ii) The applicant - Mangesh Bandu Gunde be released on bail in Crime No. 133 of 2021 registered at Chaturshrungi Police Station, for the offences punishable under Sections 394, 395, 452, 120-B r/w. 34 of Indian Penal Code, Section 4 r/w. 25 of the Arms Act, Section 37(1) r/w. 135 of the Maharashtra Police Act and Sections Sections 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999, on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of trial.

(iv) The prosecution is at liberty to move an application for cancellation of bail, if the applicant commits any other offence.

(N.R. BORKAR,J.)

KANCHAN
PRASHANT
DHURI

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