

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

CRIMINAL BAIL APPLICATION NO. 3942 OF 2022

Shiva Rajesh Varma
Versus
State Of Maharashtra

...Applicant

...Respondent

Ms. Sana Raees Khan a/w Mr. Aniket C. Pardeshi, Mr. Aditya Parmar
for the Applicant.

Mr. Y. Y. Dabke, APP, for the Respondent-State.

Mr. Pramod V. Bhosale – API, Wadala T. T. Police Station present.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13th SEPTEMBER 2023.

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P.C. :

1. By this application, applicant is seeking bail in C.R. No. 355 of 2021 registered with Govandi Police Station, Mumbai for offences punishable under Section 392 read with 34 of the Indian Penal Code and under Section 3(1)(ii), 3(2) and 3(4) of Maharashtra Control of Organize Crime Act, 1999 (for short “MCOC”).

2. It is prosecution’s case that, when first informant was

going on road, at that time two unknown person came on bike, snatched her gold chain and ran away. In investigation police arrested the applicant and co-accused in connection with the present crime.

3. It is contention of learned counsel for the applicant that, applicant has been falsely implicated in this case. There is no recovery at the instance of applicant. First informant has not identified the applicant in test identification parade. Applicant is behind bar for more than two years. Hence, requested to allow the application.

4. It is contention of learned APP that applicant was pillion rider when gold chain of first informant was snatched. In disclosure statement the co-accused has stated that applicant was present at the time of crime. It shows involvement of applicant in the crime. There is *prima facie* case against the applicant. Hence, requested to reject the application.

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

6. Allegations against the applicant are that, he was pillion rider on motorcycle, when gold chain of complainant was snatched. There is no recovery at the instance of the applicant. The gold chain of complainant is recovered at the instance of accused no.1. The complainant has identified accused no.1 in test identification parade, she has not identified the applicant. Applicant is behind bar for more than two years. Investigation is completed and charge sheet has been filed. There is only one case registered against the applicant.

7. In view of above, I pass following order.

ORDER

(i) Applicant be enlarged on bail in Crime No. 355 of 2021 registered with Govandi Police Station, 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 Saturday between 11:00 a.m. to 2:00 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 and/or influence the prosecution witnesses.

8. The application is allowed in the aforesaid terms and is accordingly disposed of.

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

(SHIVKUMAR DIGE, J.)