

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3952 OF 2022

Devidas Santosh Kakade ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shailesh Chavan alongwith Mr. Tejas Modak for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 21 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. 38 of 2022 registered at Kamshet Police Station, Pune for the offences punishable under Sections 395 read with 34 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State and perused the First Information Report.

4. The allegations against the present applicant and other co-accused are of robbery. According to the prosecution, on the day of incident which took place on 30 March 2022, the present applicant and other co-accused robbed the truck which was carrying chickens.

5. The report was lodged against unknown persons. Thus, after the arrest of the applicant test identification parade ought to have been conducted. However, the same is not done.

6. The learned APP submits that at the instance of present applicant, there is a recovery of amount of Rs.1,50,000/-. However, considering the overall facts and circumstances and as there are no other criminal antecedents, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant - Devidas Santosh Kakade shall be released on bail in Crime No. 38 of 2022 registered at Kamshet Police Station, Pune for the offences punishable under Sections 395 read with 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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