



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

BAIL APPLICATION NO. 4079 OF 2023

1. ADESH ANIL KALE

2. UMESH ANIL KALE

..APPLICANTS

VS.

1. THE STATE OF MAHARASHTRA

..RESPONDENTS

2. SENIOR P.I.

Ms.Poonam Patil i/b Mr. Manindra Pandey, for the Applicants.

Ms. Rutuja Ambekar, APP for the State.

PC- Mr. Yogesh Kharche, Indapur police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2023

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under sections 395, 452, 457, 380, 506 read with 34 of the Indian Penal Code, 1860 registered on 04/05/2023 vide C.R. No.494 of 2023 with Indapur police station.

3. There are in all 4 accused. The applicants are the accused nos. 3 and 2 respectively. The applicants were arrested on 05/05/2023.

4. Learned APP vehemently opposed the application for bail and submitted that one of the accused is still

absconding. It is submitted that the applicants who are accused nos. 3 and 2 are responsible for committing dacoity at a very young age. The applicants are only 19 years of age. The applicants 1 and 2 are the real brothers. The date of the FIR is 04/05/2023. There was robbery in the house of the Navnath Haridas Metkari. It is alleged that unknown persons had entered the house and committed robbery. It was later realised that the informant's house was also broken into and jewellery was stolen. The applicants are residents of Baramati, Lokhandevasti, Katphal, District-Pune. The applicants no. 1 and 2 along with the accused no.1 committed the offence punishable under the aforesaid sections.

5. The applicants were arrested on 05/05/2023. No one was injured in the incident. Learned APP submitted that several offence are registered against the accused no.1. So far as the present applicants are concerned, there are no criminal antecedents reported against them. There is recovery of the gold ornaments at the instance of the present applicants. The applicants are the young boys of 19 years of age. The investigation is complete. The charge-

sheet has been filed. Though I am inclined to enlarge the applicants on bail despite the opposition of learned APP, stringent conditions will have to be imposed while enlarging the applicants on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant no.1- Adesh Anil Kale and applicant no.2- Umesh Anil Kale in connection with C.R. No.494 of 2023 registered with Indapur police station shall be released on bail on their furnishing P.R. Bond of Rs.15,000/- each with one or more sureties in the like amount.
- (c) The applicants shall attend the investigating officer of Indapur police station once in a month on first Monday of every month between 11.00 a.m. and 1.00 p.m.
- (d) The applicants 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 applicants shall not tamper with evidence.
- (e) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) It is made clear that if the applicants indulge in the similar type of offence in future, the same shall afford a ground to the prosecution to apply for cancellation of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)