



**IN THE HIGH COURT OF JUDICATURE AT BSSOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.578 OF 2024**

Manoj Kantilal Medhe
versus
State of Maharashtra

... Applicant
... Respondent

Ms. Trupti M. Khamkar, for Applicant.
Mr. S.R.Aagarkar, APP for State.
PSI Jagdish More, Andheri Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 7 MAY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.911 of 2021 registered with Andheri Police Station for the offences punishable under Sections 120B, 379, 397 read with Section 34 of the Indian Indian Penal Code.
3. The first informant lodged a report with the allegations that on 19 July 2021, while he was travelling in a BEST Bus along with the bag containing gold ornaments, he heard commotion. People were shouting that thieves were decamping with the stolen bag. The first informant requested the driver of the bus to stop the bus. He chased the person who fled away along with the bag. However, the said person made good his escape. The first informant thus lodged a report to the effect that a bag containing 77 gold bangles worth Rs.46,50,000/- was stolen by unknown person, whose features were described by the first informant.

4. At the outset, learned Counsel for the applicant submits that this Court has granted bail to co-accused Amin Shaikh by an order dated 19 January 2024 and that the applicant is similarly circumstanced.

5. Learned APP fairly submits that this Court has granted bail to the co-accused. However, it was submitted that the applicant has two antecedents.

6. While releasing the co-accused Amin Shaikh on bail, this Court had observed, *inter alia*, as under :

“7. Prima facie, it appears that the first informant had initially lodged a report of theft by an unknown person, while he was travelling in a bus. The allegations of robbery appeared to have been made after about 10 days of the alleged occurrence. Prima facie, the aspect of delay in making the allegations of robbery bears upon the veracity of the first informant and would, thus, be a matter for trial.

8. There is no recovery at the instance of the applicant. Can recovery made from the co-accused be fastened to the applicant would be a matter for trial.

9. I have perused the list of the crimes against the applicant enumerated in the report of the Investigating Officer. Prima facie, the allegations are mostly of the offence punishable under Section 379 of IPC, barring C.R.No.372 of 2018 registered for the offence punishable under Section 392 of IPC.

10. The applicant is in custody from 28 July 2021. It is unlikely that the trial can be concluded in a near future. Thus, having regard to the period of incarceration, I am inclined to exercise the discretion in favour of the applicant.”

7. The aforesaid reasons which weighed with this Court in granting bail to the co-accused Amin Shaikh, apply with equal force to the applicant. I am, therefore,

inclined to allow the application.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant - Manoj Kantilal Medhe be released on bail in C.R.No.911 of 2021 registered with Andheri Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant is permitted to furnish cash security in lieu of personal surety for a period of four weeks.

(iv) The applicant shall mark his presence before Andheri Police Station on first Monday of every month in between 11 am to 1 pm till the conclusion of the trial.

(v) The applicant shall not tamper with the prosecution evidence. 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.

(vi) 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.

(vii) The applicant shall regularly attend the proceedings before the

jurisdictional Court.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the co-accused and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)