



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1189 OF 2024**

Rajesh Murugesh Shetiy @ Chetiyar	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Omkar Dhakal i/by Ms. Mallika Ingale, for Applicant.
Ms. Supriya Kak, APP for State.
PSI Ramesh Waghchoure and PSI Sunil Sonawane, Charkop Police Station present

CORAM: N.J.JAMADAR, J.
DATE : 20 MARCH 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail preferred by the applicant in connection with C.R.No.997 of 2022 registered with Charkop Police Station for the offences punishable under Sections 457, 380 read with Section 34 of the Indian Penal Code.
3. At the outset, learned Counsel for the Applicant submitted that the co-accused Raju S. Chetiyar was released on bail by this Court by an order dated 15 January 2024 and the applicant is similarly circumstanced. It was submitted that there is no material to connect the applicant with the crime.
4. While releasing co-accused on bail, in the order dated 15 January 2024, this Court had, inter alia, noted as under :

“3.The first informant lodged a report with the allegations that on the night intervening 3 and 4 December 2022, three unknown persons wearing masks, had committed house breaking and theft of the gold ornaments and other

valuables worth Rs.13,78,000/-. In a supplementary statement, the first informant alleged that the property worth Rs.11,20,000/- was also stolen in addition to the property reported in the FIR.

4. Learned Counsel for the applicant submitted that the applicant has been roped in on the basis of the disclosure statement of the co-accused. There is no material to connect the applicant with the crime.

5. I have perused the disclosure statement of the co-accused Himanshu Somaiya. Under the said disclosure statement, the said co-accused professedly pointed out the place, where the rikshaw which was allegedly used to reach to the scene of the offence, was parked. The applicant was named as an accomplice in the said disclosure statement.

6. Statement of a co-accused is not a substantive piece of evidence. Prima facie, there is nothing to connect the accused with the crime. Nothing has been recovered at the instance of the applicant. In the circumstances, the applicant deserves to be released on bail.”

5. Learned APP submitted that there are antecedents which indicate that the applicant has been habitually indulging in identical offences.

6. Prima facie, the applicant appears to be similarly circumstanced like co-accused Raju. The applicant was also named by the co-accused Himanshu Somaiya in the disclosure statement. Nothing has been recovered at the instance of the applicant. The applicant has been in custody since 20 December 2022. Having regard to the period of incarceration, in the context of the punishment which the offences under Sections 457 and 380 entail, further detention of the applicant seems to be unwarranted. The apprehension on the part of the prosecution based on the antecedents of the applicant can be taken care of by imposing conditions.

7. Hence, the following order :

ORDER

- (i) The Application stands allowed.
- (ii) The Applicant – Rajesh Murugesh Shetty @ Chettiyar be released on bail in C.R.No.997 of 2022 registered with Charkop 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 shall mark his presence before Charkop Police Station on first Monday of every month in between 11 am to 1 pm for a period of one year or till the conclusion of the trial whichever is earlier.
- (iv) 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.
- (v) 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.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) 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 trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)