



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

BAIL APPLICATION NO. 1567 OF 2024

SANTOSH GOVIND KUMAVAT	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Adv. Vivek N. Arote for the Applicant.

Mr. S.H. Yadav, APP for the State.

Suraj Bendre, Police Inspector, V.P. Road Police Station.

CORAM : M. S. KARNIK, J.

DATE : APRIL 15, 2024

P.C. :

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

2. This is an application for bail in respect of the offence punishable under Sections 394, 395, 397, 341, 504, 506(2) and 120-B of the Indian Penal Code (hereafter 'IPC' for short) registered on 27/05/2022 vide C.R. No.297 of 2022 with V.P. Marg Police Station.

3. The applicant is accused No.2. The co-accused- Santosh Pandurang Khomane who is attributed a major role than the present applicant has been enlarged on bail. The

order dated 04/11/2023 in Bail Application No. 2995 of 2023 in respect of the co-accused reads thus:

"2. This is an application for bail in respect of the offence punishable under sections 394, 395, 397, 341, 504, 506(2), 120B of the Indian Penal Code, 1860 registered on 27/05/2022 vide C.R. No.297 of 2022 with V.P. Marg police station, Mumbai.

3. In all there are 7 accused. The applicant is the accused no. 3. The applicant was arrested on 29/05/2022.

4. The date of the incident is 27/05/2022. It is the case of the prosecution that the accused hatched conspiracy to commit dacoity of gold ornaments of value Rs. 72 lakhs which the informant was carrying. When the informant was standing at the place of the incident with a bag containing gold ornaments, one person came to him and another accused who was near the building, suddenly came and snatched the bag from the informant and fled away. The investigation revealed that on the previous night of the incident, all the accused were in the same room of the hotel 'Sion Residency' where the conspiracy was hatched. It is submitted that the applicant has an active role in the conspiracy. The CDR details of the accused would reveal that the applicant was present near the place of incident. It is further submitted by learned APP that gold ornaments to the tune of Rs.14,22,000/- were recovered from the applicant. The gold articles have been identified by the informant.

5. Learned APP further submitted that there is one criminal antecedent reported against the applicant under sections 392 read with 34 of IPC registered vide C.R. No. 164 of 2012 with Phaltan police station, Satara in which the applicant has been acquitted. There are thus no pending criminal cases against the applicant except the present case. The applicant is in custody from 29/05/2022 for a period of 17 months. The trial is likely to take a long time to conclude. The investigation is complete. The charge-sheet has been filed. Even entire gold has been recovered, some of

which was recovered from the applicant. In the facts and circumstances of the present case, the applicant can be enlarged on bail subject to stringent conditions.

6. It is pointed out by learned APP that bail should be refused to the applicant since accused nos. 6 and 7 are absconding. In my opinion, this fact is not sufficient to deny the applicant the facility of bail. In the facts and circumstances of the present case, stringent conditions can be imposed on the applicant to secure his presence for the trial while enlarging the applicant on bail."

4. Learned APP opposed the application and submitted that there are criminal antecedents reported against the applicant. It is submitted that a conviction is recorded against the applicant for the offence under Section 307 of the IPC. The applicant has already undergone the sentence.

5. In the present case, there is no recovery from the applicant. In the facts and circumstances of the present case, I find the role of the present applicant is lesser and in any case, not more than that of the co-accused Santosh Pandurang Khomane who has been enlarged on bail vide the order quoted hereinabove. For the reasons mentioned in the aforesaid order, even the present applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a)** The application is allowed.
- (b)** The applicant- Santosh Govind Kumavat in connection with C.R. No.297 of 2022 registered with V.P. Marg Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c)** The applicant shall attend the Investigating Officer of V.P. Marg police station once in a month, first Monday of every month, between 11.00 a.m. and 1.00 p.m.
- (d)** 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. The applicant shall not tamper with evidence.
- (e)** 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.
- (f)** Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicant shall not enter Mumbai/Mumbai Suburban district after being released on bail, till the trial concludes.
- (g)** The applicant shall attend the trial regularly. The

applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The application is disposed of.

(M. S. KARNIK, J.)