

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

BAIL APPLICATION NO. 1734 OF 2024

Atil alias AtalyaIshwar Bhosale

.Applicant

Versus

State of Maharashtra

.Respondent

Mr. Salman K. Pathan, Advocate, for the Applicant.

Mr. P. P. Deokar, APP, for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 25th APRIL 2024

P. C.

1. Heard Mr. Pathan, learned Counsel for the Applicant and Mr. Deokar, learned APP for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1	C.R. No.	565 of 2023
2	Date of registration of F.I.R.	25/07/2023
3	Name of Police Station	Shirur, District-Pune
4	Section/s invoked	397, 454 & 380 r/w 34 of the <i>I.P.C., 1860</i> ; 3 & 27 of the <i>Arms Act, 1959</i> .
5	Date of incident	25/07/2023
6	Date of arrest	27/07/2023
7	Date of filing Charge-sheet	26/10/2023

3. Mr. Pathan, learned Counsel for the Applicant submitted that a co-Accused has been granted bail by the learned Trial Court by Order dated 7th November 2023 and another co-accused has been granted

bail by this Court by Order dated 04.04.2024 passed in B. A. No. 619 of 2024 and therefore parity is applicable to the present Applicant. He further submitted that investigation is completed and that Charge-sheet has been filed. Apart from that, he submitted that although as per the prosecution case the Accused entered the house of the Complainant and broke a lock and stole gold and silver jewellery and cash worth to Rs.6,56,900/- and the F.I.R. was lodged against unknown persons and still no Test-Identification Parade has been conducted. He submitted that there is no recovery at the instance of the present Applicant. He submitted that therefore the Applicant is entitled to be released on bail. He further submitted that although there are 13 antecedents against the Applicant, he has been released on bail in those cases.

4. On the other hand, Mr. Deokar, learned APP strongly opposed the Bail Application. He pointed out the statement of Sunil Chandrakant Kapale. He submitted that as there are 13 antecedents, the Applicant is not entitled to be released on bail.

5. Perusal of the record shows that the incident in question took place on 25th July 2023, and the Applicant was arrested on 27th July 2023. It is an admitted position that investigation has been completed and Charge-sheet has been filed on 26th October 2023 and there is no further progress in the trial. Therefore, the trial will take a considerably long time to conclude.

6. Although there are 13 antecedents against the Applicant, he

has been enlarged on bail in those cases. A co-Accused who has almost the same role, has been released on bail.

7. The Applicant does not appear to be at risk of flight.
8. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
9. In view thereof, the following order:-

ORDER

- (a) The Applicant - Atil alias AtalyaIshwar Bhosale be released on bail in connection with C.R. No.565 of 2023 registered with the Shirur Police Station, District-Pune on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Shirur Police Station, District-Pune once in a week i.e. on every Sunday between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek

unnecessary adjournments thereat.

- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie*, and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this Order.

[MADHAV J. JAMDAR, J.]