

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3197 OF 2022

Ankit Sunil Rai Applicant

V/s.

The State of Maharashtra Respondent

Mr.Ashish B. Jagtap h/f Mr.Bhanudas L. Jagtap, for the Applicant.

Ms.S.G. Talhar, APP, for the Respondent-State.

Mr.C.D. Dalvi, PSI, Katurba Marg Police Station, Mumbai.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd APRIL 2024

P.C:-

. By this Application, Applicant is seeking bail in C.R. No.338 of 2022 registered with Kasturbha Marg Police Station, Mumbai for the offence punishable under Section 395 of Indian Penal Code, 1860 (for short 'IPC').

2. It is prosecution's case that the Complainant is running business of Industrial Workshop at MIDC, Bhosari Pune, in the name and style as "Mahalaxmi Industries". The Complainant was in need of second hand C.N.C. tool grinding machine for that purpose he used to visit Mumbai. A person

NILAM
SANTOSH
KAMBLE

Digitally signed
by NILAM
SANTOSH
KAMBLE
Date: 2024.04.05
12:11:35 +0530

namely Venky introduced the complainant with lady namely Urmila Maurya for purchase of grinding machine. The said lady contacted to Accused No.1 on his number and he told the Complainant that he is having second hand grinding machine for sale and its value is near about 25 to 30 lakhs. It is alleged that the Accused No.2 called the Complainant at Borivali, along with token amount of Rs.1,00,000/- for sale transaction of grinding machine.

3. Accordingly, on 17th February 2022 Complainant and his friend Deepak Mahadik came at Savitribai Phule Hospital, Borivali (W) in their car as instructed by the Accused No.1 At that time, Accused No.1 came on the spot with one person. Accused No.1 told them that the said person accompanied with him is his partner and his name is Ankit i.e. Applicant. Then Accused No.1 told the Complainant to take his vehicle at some distance. He asked the Complainant to halt the car at lonely space. The Accused No.1 asked Complainant as to whether, he had brought token amount of Rs.1 lakh for which Complainant replied positively. Thereafter, four more persons arrived on the

spot in Innova Car. Accused No.1, Ankit i.e. Applicant and persons came in Innova car by threatening to the Complainant not to chase their car. They took an amount of Rs.1 lakh from Complainant forcefully and ran away in the said innova car. The Complainant noted number of said innova car. On the basis of Complainant's complaint, a offence was register against the Applicant and other co-accused.

4. It is contention of the learned counsel for the Applicant that, there is no recovery from the Applicant. Accused No.1 has been released on bail by this Court and robed amount is recovered from Accused No.1 Hence, Applicant is entitled for bail on the ground of principle of parity.

5. The learned APP has strongly objected to allow the Application on the ground that, the Applicant was involved in the crime he was with Accused No.1 and he has robbed the amount from the Complainant. If the Applicant is released on bail he may influence on the prosecution witnesses.

6. I have heard both learned counsel.

7. The Accused No.1 has been released on bail by this

Court. The robbed amount is recovered from Accused No.1. There is no recovery from the Applicant. The Applicant is behind bar more than 2 years. The charge-sheet has been filed. The Investigation is completed. Considering these facts the Applicant is entitled for bail on the ground of parity and I pass following order.

ORDER

- (i) Applicant be enlarged on bail in C.R. No.338 of 2022 registered with Kasturbha Marg Police Station, Mumbai on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile

details, if any, from time to time to the Investigating Officer.

(iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) The Trial Court shall decide the said case on its own merits, in accordance with law uninfluenced by the observations made in this order.

(vi) The Application is allowed in the aforesaid terms and is accordingly disposed of.

10. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)