



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

BAIL APPLICATION NO. 3100 OF 2023

MR. MANISH DEVILAL DARJI	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Shikhar Khandelwal a/w Mr. Prathamesh Mahadeshwar,
for the Applicant.

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

PSI- Mr. Jagdish More, Andheri police station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 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 Section 379, 397, 411, 120B read with 34 of the Indian Penal Code registered vide First Information Report (FIR) No.911 of 2021 on 19/07/2021 with Andheri police station.
3. The allegation is that the complainant- Madhukar Damodar Kavinkar was handed over a bag containing gold bangles of the value of Rs. 46,50,000/- on 18/02/2021 by

Mr.Himanshu Bhanupratap Singa for delivery to Mr. Ashish Jain. The complainant took the said bag with him and boarded a bus from Borivali towards Wadala at about 2.30 p.m. and dozed off. The complainant woke up realising that the bag was stolen. The applicant is the accused no.6. There are in all 7 accused. So far as the applicant is concerned, it is alleged that some of the stolen ornaments were recovered from him. The applicant is in custody since 04/08/2021 for a period of two and half years. I am informed that even charge has not been framed. The trial is likely to take some time to conclude.

4. There are three criminal antecedents reported against the applicant viz. I) registered with Dharavi police station vide FIR No. 487 of 2016 for the offences punishable under sections 381, 34 of IPC; II) registered with Borivali police station vide FIR No. 146 of 2017 for the offences punishable under sections 381, 120B of IPC; III) registered with Vileparle police station vide FIR No. 02 of 2013 for the offences punishable under sections 454, 381 of IPC. In my opinion, the criminal antecedents reported against the applicant by itself should not be a reason to deprive the applicant the

facility of bail. I am informed that the applicant is the resident of Rajasthan. The applicant does not appear to be a flight risk. The trial is likely to take a long time to conclude. The applicant will face the consequences post-trial if found guilty. The investigation is complete. The charge-sheet has been filed. I am inclined to enlarge the applicant on bail. Hence the following order.

ORDER

- (a) The application is allowed.
- (b) The applicant-Manish Devilal Darji in connection with FIR No. 911 of 2021 with Andheri police station, shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant shall report to the investigating officer of the concerned police station once in three months on first Monday of the concerned month between 11.00 a.m. and 1.00 p.m. commencing from April, 2024.
- (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.

5. The application is disposed of.

(M. S. KARNIK, J.)