



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.4178 OF 2023**

Nilesh Mangesh Chavan	...	Applicant
versus		
State of Maharashtra	...	Respondent

Mr. Deepak Jaiswal with Ms. Jyoti Barai i/by Mr. Shyamrishi Pathak, for Applicant.
Mrs. Geeta P. Mulekar, APP for State.
Mr. Dnyaneshwar N. Ladse, PSI, Mulund Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 31 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant who has been arraigned for the offences punishable under Sections 120B, 395, 397, 201 and 341 of the Indian Penal Code in C.R.No.35 of 2022 registered with Mulund Police Station, seeks to be enlarged on bail.
3. Learned Counsel for the Applicant, at the outset, invited the attention of the Court to an order dated 2 January 2024 whereby co-accused Dilip Shivshankar Singh came to be released on bail. Learned Counsel further submits that apart from this, two more co-accused have been released on bail.
4. While releasing the co-accused on bail by an order dated 2 January 2024, this Court had observed, inter alia, as under :

“6. Evidently, the robbery was committed by four unknown

persons. Though the applicant was allegedly identified in the TI parade, it does not appear that the witnesses had identified the applicant with reference to role allegedly played by the applicant in the alleged robbery. Recovery of pistol at the instance of the applicant prima facie does not appear to be of incriminating tendency as the pistols have been allegedly recovered at the instance of eight of the accused. In the circumstances, the fact that the co-accused against whom the accusations are more or less identical, has been released on bail, entitles the applicant to claim parity. The applicant has been in custody for more than one year and ten months. Investigation is complete for all intent and purpose. Chargesheet has been lodged.”

5. Learned APP informed the Court that there are no antecedents to the discredit of the applicant.

6. Prima facie, the applicant is entitled to the same dispensation as was given to the co-accused Dilip. I am, therefore, inclined to exercise the discretion in favour of the applicant.

7. Hence, the following order :

ORDER

(i) The application is allowed.

(ii) The applicant – Nilesh Mangesh Chavan shall be released on bail in C.R. No. 35 of 2022 registered with Mulund police station, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount.

(iii) The applicant shall mark his presence at Mulund police station on the first Monday of every alternate month between 11 am to 1 pm till framing of charge.

(iv) The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

(v) 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 not leave the jurisdiction of Mumbai and Thane districts without permission of the trial Court.

(vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(viii) 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.

(N.J.JAMADAR, J.)

SSP

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