

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

CRIMINAL BAIL APPLICATION NO. 1761 OF 2024

Naresh @ Khata Lakhma Dalvi ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Raj Dali a/w Ms. Prajakta Jagtap, Advocate for the Applicant.

Mrs. Veera Shinde, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.

DATE : 24th JUNE, 2024.

P.C.:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.152 of 2016, registered with Manor Police Station, District: Palghar for the offences punishable under Sections 394 r/w 34 of Indian Penal Code (for short 'IPC'), Sections 3, 25 of Arms Act, 1959.

3. Learned Counsel for the Applicant submits that the offence was registered against total three accused persons out of which except the Applicant other co-accused have already been released on bail. It is submitted that the role of the Applicant and

other co-accused persons who have been released on bail is similar. It is submitted that there was a delay of two days in lodging the report and no identification parade was conducted. It is therefore submitted that there is no evidence against the Applicant to show that he is involved in the present offence. It is further pointed out that there is no recovery made from the Applicant in relation to present offence.

4. Learned APP strongly opposed the application and submits that there are antecedents against the Applicant. It is submitted that he was convicted in two offences. He further states that since the offence is serious and the provisions of MCOC Act are invoked, the application may not be allowed.

5. I have gone through the charge-sheet and material collected by the Investigating Officer during investigation. It is evident that no identification parade was conducted in the present matter. Moreover, nothing has been recovered from the Applicant as regards the present offence.

6. No doubt there are eighteen antecedents against the Applicant, however, in the above referred backdrop, if the period of incarceration is considered i.e. seven years coupled with the fact

that there is a reasonable ground to believe that the Applicant is not involved in the alleged offence. I am of the opinion that the Applicant is entitled for grant of bail. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No. 1761 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.152 of 2016, registered with Manor Police Station, District: Palghar for the offences punishable under Sections 394 r/w 34 of Indian Penal Code (for short 'IPC'), Sections 3, 25 of Arms Act, 1959, on furnishing PR. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The Applicant shall attend the Police Station on 1st and 16th day of each month between 12:00 noon to 2:00 p.m. till conclusion of trial ;
- iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

- v. Liberty is granted to the State for cancellation of bail if the Applicant commit similar offence;
- vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.
- vii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)