

Ajay

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

CRIMINAL BAIL APPLICATION NO. 1159 OF 2024

Darpan Rajesh Walekar

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Khwaja Shaikh a/w. Mr. Abhay Doles, Advocates for Applicant.
 - Ms. Megha S. Bajoria, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 20, 2025.

P.C.:

1. Heard Mr. Shaikh, learned Advocate for Applicant and Ms. Bajoria, learned APP for Respondent – State.

2. Mr. Shaikh, learned Advocate for the Applicant would submit that Applicant is indicted in crime in connection with C.R. No.210 of 2021 registered with Powai Police Station, Mumbai for the offences punishable under Sections 397 and 452 read with 34 of the Indian Penal Code, 1860; Sections 3 and 25 of the Indian Arms Act, 1959 and Sections 37(1)(a) and 135 of the Maharashtra Police Act, 1951.

3. Applicant is arraigned as Accused No.2 in the present crime. The weapon used by the Applicant in the present crime is a knife and the prosecution case is that he alongwith 3 other co-accused arraigned as Accused Nos.1, 3 and 4 entered into the shop of the First Informant

– Complainant and snatched the money of Rs.2,000/- one mobile phone, silver idol and silver coin totally worth Rs.17,000/- and left the shop. Recovery of the said items has been made by the prosecution. The only reason to consider the Application of the Applicant is his long incarceration of 3 years 11 months and 29 days pending trial.

4. Considering the fact that trial in the present case has not commenced and/or probably will be completed in the near foreseeable future and the probable number of witnesses desired to be examined by the prosecution and other 3 accused persons having been enlarged on bail by the Court, the Applicant before me can be released on bail. Applicant is directed to be released on bail.

5. Hence, Bail Application is allowed subject to the following terms and conditions:-

- (i) Applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;
- (iii) After his release from jail, Applicant shall report to the

Investigating Officer as and when called for;

- (iv) Applicant shall attend the trial Court on first Saturday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;
- (v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;
- (vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;
- (vii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and
- (viii) In case of any infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

6. It is clarified that the observations made in this order are

limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

7. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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