

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3589 OF 2024**

Nayan Mahadev Pawar ... Applicant
versus
The State of Maharashtra Respondent

Ms. Chintan Narendra Patel along with Mr. Abhinav Dubey, Advocate for the Applicant.

Mr. Kiran C. Shinde, APP for Respondent -State.

Mr. Sagar Bhosale, PSI, Kapurbavadi Police Station.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 24th APRIL, 2025.**

P.C. :

1. By this application, applicant is seeking regular bail in Crime No.35 of 2022 registered with Kapurbavdi Police Station, Mumbai for the offences punishable under Sections 395, 380, 457 and 34 of the Indian Penal Code, 1860.
2. It is prosecution's case that on 31st January 2022, the applicant along with co-accused barged in the petrol pump and took away locker kept there and stole the amount of more than Rs.27,00,000/-.
3. It is contention of learned counsel for the applicant that the applicant is behind bar for more than three years. The investigation is completed and charge-sheet has been filed. There is no progress in the trial. The co-accused having similar allegations are released on bail, hence, requested to allow the application.

4. It is contention of learned APP that the locker which was stolen from the petrol pump was recovered at the instance of the applicant. The trial is delayed due to non-cooperation of the learned advocate for the applicant. Out of Rs.27,00,000/-, the police has recovered Rs.15,00,000/-, remaining amount is yet to be recovered. If the applicant is released on bail, he may abscond. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet. The investigation is completed and charge-sheet has been filed against the applicant. The applicant is behind bar for more than three years. The applicant has no criminal antecedents. The other co-accused has been released on bail. There is no progress in the trial. Considering these facts, I pass following order :

ORDER

- (i) The applicant be enlarged on bail in Crime No.35 of 2022 registered with Kapurbavadi Police Station, Thane, on executing P.R.Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned police station as and when required.
- (iii) The 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) The applicant shall not tamper with the evidence or attempt to influence or contact the prosecution witnesses or any person concerned with the case.

The application is allowed in the aforesaid terms and is accordingly disposed off.

6. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

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

(SHIVKUMAR DIGE, J.)