

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

CRIMINAL BAIL APPLICATION NO. 5162 OF 2024

Mangesh Bhau Pawar

...Applicant

VERSUS

The State of Maharashtra

...Respondent

....

Mr. Tanveer Patel, Advocate for the Applicant.

Mr. V. A. Kulkarni, A.P.P. for the Respondent – State.

....

CORAM : N. R. BORKAR, J.
DATE : 20.03.2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No. 41 of 2024 registered at Khalapur Police Station, Dist-Raigad for the offences punishable under Sections 395 & 397 of the Indian Penal Code.
3. According to the prosecution, on the date of incident which took place on 26.01.2024, the complainant who was driver of container bearing registration No. MH-06-AQ-7634 was transporting certain goods from Solapur to Navasheva. It is alleged that at about 3:30 a.m. he stopped his container near Khalapur Toll Naka on Pune-Mumbai highway to answer nature's call. It is alleged that

at that time the present applicant and other co-accused came there. They assaulted him and robbed him of Rs.6500/- and one mobile phone worth Rs.8,000/-.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has placed on record the orders passed by the Sessions Court releasing the co-accused on bail.

6. On the other hand, the learned APP for the respondent/State submits that there are criminal antecedents against the applicant. It is submitted that the complainant has identified the present applicant in test-identification parade and even there is recovery of cash amount at the instance of the present applicant.

7. I have perused the orders passed by the Sessions Court. The complainant has identified the other co-accused also in test-identification parade. It appears that there is a recovery of Aadhar Card and even mobile phone at the instance of other co-accused. There are criminal antecedents against them also.

8. Considering the overall facts and circumstances of the case, I am inclined to release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in Crime No. 41 of 2024 registered at Khalapur Police Station, Dist-Raigad for the offences punishable under Sections 395 & 397 of the Indian Penal Code, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall not enter into the limits of Raigad district except to attend the dates before the trial Court.

D] The applicant shall attend the concerned police station within whose jurisdiction he is going to reside after his release once in a month, i.e., on first Saturday between 11:00 am to 2:00 pm, till conclusion of the trial.

E] The applicant shall not commit any other crime.

F} It would be open to the prosecution to file an application for cancellation of bail, if the applicant commits breach of any of the above condition.

9. Application stands disposed of accordingly.

(N. R. BORKAR, J.)