

Sessions Case No. 89/2018

ORDER BELOW EXH.15

1] This is a bail application under Section 439 of the Code of Criminal Procedure, filed by the applicant accused Bahirumal Harishankar Raval requesting to release him on regular bail, in connection with Crime No.189 of 2017 registered with Faraskhana police station, for the offences punishable under Sections 395, 397, 342 r/w.34 of Indian Penal Code and Section 25 of the Arms Act and Sections 37(1), 135 of the Mumbai Police Act.

2] Briefly stated the prosecution case is that on 22/8/2017 at about 1.45 p.m. after giving threats at the point of pistol to the complainant, the accused thereafter have tied his hands and legs by packaging tape. Also they closed his mouth by packaging tape and committed theft of articles worth Rs. 2,46,000/- .On this complaint the crime has been registered.

3] It is submitted that the applicant has not committed any offence. However, he has been falsely implicated in this crime. The name of the applicant is not appearing in FIR. There is no any criminal antecedents against the applicant. No further recovery is to be made at the instance of this accused. He is completely unaware of the crime and had no knowledge when he was being wrongly picked by the police for interrogation. He was not identified during the ID parade by the complainant/witnesses. Investigation has been completed by Investigating Officer and presented the chargesheet in the Court. Applicant is permanent resident of given address. So there is no question of his absconding. The applicant undertakes that he will not tamper with any evidence nor will intimidate the witnesses. He is ready and willing to furnish surety to the satisfaction of the Court. If he is released on bail, he is ready and willing to abide by any terms and

conditions imposed by the Court.

4] In response to the notice the prosecution has resisted the application by filing reply at Exh. 26 contending interalia that they recovered cash amount of Rs. 62000/- and 2 courier parcels at the hands of applicant. They have seized 3 two wheelers, 6 mobile phones. They have committed this crime on the say of Lalit Soni in furtherance of their common intention. The applicant is resident of Rajasthan and if he is released on bail, the possibility cannot be ruled out that he will abscond. Lastly prayed to dismiss the application.

5] Heard the learned counsel for applicant accused and the learned APP for the prosecution. Read the application and reply. On going through it reveals that on 22/8/2017 at about 1.45 p.m. after giving threats at the point of pistol to the complainant, the accused thereafter have tied his hands and legs by packaging tape. Also they closed his mouth by packaging tape and committed theft of articles worth Rs. 2,46,000/- .

6] On going through it reveals that investigation has been completed and chargesheet has been filed in the Court. There is no recovery or discovery at the hands of the applicant. No further investigation is pending. Recovery has been already made. So the purpose will not suffice by keeping the applicant behind the bars. So far as absconding of the accused and tampering the prosecution evidence is concerned, by imposing certain conditions the purpose will be sufficed.

7] In the light of above observations it appears that application deserves to be allowed. In the result I pass the following order.

ORDER

1] The application is allowed on the following conditions.

2] The applicant Bahirumal Harishankar Raval in connection with CR No. 189 of 2017 registered with Faraskhana

police station, be released on regular bail on furnishing PR bond of Rs. 30,000/- with one or two solvent sureties in the like amount.

3] He shall attend the Court on each and every date.

4] He shall furnish his residential address at Pune and he shall not leave Pune city without permission of the IO.

5] He shall not tamper, hamper the prosecution evidence.

6] He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

7] Bail before this Court.

(V.K.Kadam)

Date: 21.09.2018

Additional Sessions Judge, Pune.