

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAILAPPLICATION NO. 1964 OF 2014

Masood @ Mayur Pasha Shaikh ... Applicant / Accused No.1
vs.
The State of Maharashtra ... Respondents

Mr. Shaikh Mohd. Shoaib Iqbal Ahmed, Advocate for the applicant
Ms.P.P.Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 22nd December, 2014.

P.C.

This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant is arrested on 15.4.2013 in Crime No. 87 of 2013 registered at Pydhonie Police Station for the offences punishable under Sections 397, 341, 452 read with Section 34 of IPC and under Sections 3, 4 read with Section 25 of the Indian Arms Act. The investigation is completed and charge sheet is filed.

2. The case of the prosecution is that on 23.3.2013, Shrikant Raut lodged a report at the police station. The complainant had no place to reside in Mumbai and, therefore, he used to reside in a rented shed along with his servant.

He is the owner of Angadia Courier Services. The daily transactions in his office are to the tune of Rs.50 lakhs. On 23.3.2013, at about 1.30 p.m., when he was in his office, an unknown person came to his office followed by two other unidentified persons. They threatened him at the point of a chopper/sickle. They threatened him of dire consequences. The amount of Rs.50 lakhs was also taken away. On the basis of his report, the offence was registered. In the course of investigation, the cellphone available was recovered from the present applicant. It is the case of the prosecution that the applicant had purchased a Honda City from the amount that was stolen in present case. It appears from the records that crime No.89 of 2013 is also registered against the applicant under Sections 395, 452, 397, 341 At Pydhonie Police Station and C.R. No.409 of 2006 is registered at Turbhe Police Station. The complainant has identified his cellphone which was recovered at the instance of the present applicant.

3. The learned counsel for the applicant submits that in the course of investigation, test identification parade was held. However, the applicant was not subjected to test identification parade. It is well-settled position that the evidence in the form of test identification parade is only a corroborative evidence and identification in the Court would be a substantive evidence. In view of this, merely because the charge-sheet does not contain the document to show that the

applicant was not subjected to test identification parade, his application does not deserve bail.

4. Application being sans merit, is reject.

(SMT.SADHANA S.JADHAV, J.)