

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2054 OF 2015.

BHEDKUTYA S/O CHHABU KALE.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. Avinash Hange, Advocate h/for Anil M. Gaikwad, Advocate for the Applicant.

Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 7th May, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of regular bail, in connection with CR No. 18/2015 registered with Police Station, Jamkhed, District – Ahmednagar for the offences punishable under Section/s 394 of the Indian Penal Code.

[2] Heard Mr. Avinash Hange, Advocate for the Applicant and Mr. A.V. Deshmukh, Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by one Vinod Dilip Bahir on 28th January, 2015.

[4] The learned counsel for the applicant submits that in view of the completion of the investigation and in view of filing of the charge sheet, the applicant may be released on bail.

[5] Prayer of bail is opposed by the learned Additional Public Prosecutor on the ground that, at the behest of present applicant, recovery of mobile phone is made, which was one of the article, which was robbed in the incident from the house of the first informant. It was recovered on the basis of discovery made by the applicant under Section 27 of the Indian Evidence Act.

[6] In the charge sheet, bill issued by Mahavir Mobile Shoppee in the name of first informant – Vinod is available. Said bill depicts I.M.E.I. Number of the mobile phone. Said mobile phone is recovered at the instance of present applicant. Thus, there is incriminating material against the present applicant.

[7] Obviously, since the applicant who took forced entry into the house with others, who are unknown to the first informant, their names were not found place in the First Information Report. Merely because their names are not mentioned in the First Information Report that does not give any cause to the applicant to get himself released on bail. Recovery material available against the present applicant in the nature of recovery at his behest clearly shows his active participation in the crime. Hence, Criminal Application is rejected.

(V.M. DESHPANDE, J.)