

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3007 OF 2015**[Ajay @ Ajaya s/o Raju Pimple Vs The State of Maharashtra]**

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri H.F.Pawar, advocate for applicant
Smt. Pratibha Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 15th July, 2015****PER COURT :-**

- 1] This is an application for regular bail.
- 2] Heard Shri H.F.Pawar, learned counsel for applicant and Smt. Pratibha Bharad, learned Additional Public Prosecutor for the respondent/State.
- 3] According to the learned counsel for the applicant, the applicant is arrested on 24.6.2014 and since then he is languishing in jail. According to the learned counsel, investigation is over. Therefore, custodial presence of the applicant is not necessary. Learned counsel submitted that there is no material against the present applicant. He submitted that there is no recovery at the behest of present applicant, when he was in the police custody. He, therefore, submitted that application for bail be considered favourably and the applicant be released on bail by imposing any condition.
- 4] The first information report is lodged against 7 to 8 persons by one Sominath Baliram Chepte, who is the security guard of Icon Building, situated at Waluj. In the said building, there exists an office of Manipuram Gold Loan and

also the other shops. According to the first information report, after taking the charge by the first informant from the first security guard Shri Tandale, the first informant was guarding the building. That time, in between intervening night of 22nd and 23rd June, 2014, 5 to 8 persons barged themselves in the building, gave beating to the first informant security guard, terrorized him and thereafter looted various shops.

5] From the charge sheet, it is clear that in the said building C.C. Tv cameras were fixed. In the footage of said C.C.Tv cameras the applicant is appearing. The details of C.C.Tv cameras show the date 23.6.2014 and time 03.43.37. It is not disputed by the applicant that the said place is not the ordinary residence of the present applicant. According to the learned counsel, the present applicant was not identified in the test identification parade. Test identification parade is not a conclusive proof. It is only for the purpose of helping the investigating officer while conducting the investigation. However, the scientific evidence, which is available on record, clearly shows the presence of the present applicant. The offence is very serious, in a night, 4 to 5 shops were looted by the gang of which present applicant is one of the member.

6] Hence, the application is rejected.

(V.M.DESHPANDE, J.)

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