

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.13 OF 2015

Ajay Kumar Birendra Pratap Singh ..Applicant
-Versus-
State of Maharashtra ..Respondent

Mr.Krishna K.H.Holambe Patil for applicant
Mrs.Aruna Pai, APP for State.

CORAM : REVATI MOHITE DERE, J.
DATE : 10th March 2015.

P.C.

1] Heard learned Counsel for the applicant and learned
APP for the State.

2] By this application, the applicant seeks his enlargement on
bail in connection with C.R.No.154 of 2014 registered with the
Kasturba Marg Police Station, Mumbai for the alleged offences
punishable under section 395, 397, 363, 342, read with section 34 of
I.P.C. and under section 25 of Indian Arms Act. The investigation of
the said C.R. was subsequently transferred to the D.C.B., C.I.D.,
Crime Unit XII and was re-numbered as C.R.No.42 of 2015.

3] According to the complainant- Ramesh Kumar Gupta, he along with Anjankumar Nayak, Shitaunsh Dubey and Rajendra Dwivedi had travelled from Surat to Borivali in a train. On reaching the Borivali station, a Bolero Jeep of Malka Amit, J.K.Logistic Company was waiting for them. On the way to their office, Udaybhan Singh, the driver of the Jeep stopped the vehicle and got down for checking the tyres of the jeep. While the driver was checking the tyres of the jeep, it is alleged that two unknown persons pushed the driver and made him sit on the driver's seat. At the same time, three unknown persons entered the jeep from the rear side and sat next to the complainant, Nayak and Dubey. Two of them, had country made guns; one had a revolver and one had a knife. The said persons assaulted the complainant and others, and snatched their mobile phones. They inquired with the complainant, about the trolley bag, who told them, that the same was kept in the security room of the jeep. The complainant and his colleagues were forced to show the security room of the jeep, pursuant to which, the accused stole the diamond packets from the trolley bag. Initially, a complaint was lodged as against five unknown persons. However, on the basis of the description of the persons given by the

complainant to the Kasturba Marg Police Station, two accused including the present applicant came to be arrested for their alleged involvement in the offence/conspiracy.

4] Learned Counsel for the applicant contended that except for recovery of 15 diamonds, there is no material qua the applicant. He submits that the trial of the case may take some time and, therefore, the applicant be released on bail.

5] The learned APP opposed the bail application. She contended that apart from the recovery of 15 diamonds, at the instance of the applicant, there is the statement of one Sandeep Singh which clearly shows that the present applicant had taken part in the conspiracy.

6] Considering the material on record, and the fact that there is recovery of diamonds from the applicant, it is not a fit case to enlarge the applicant on bail. Hence, the application is rejected and is accordingly disposed of.

7] It is made clear, that the observations made herein, are prima facie and the learned Judge shall not be influenced by the same and shall conduct the case on its own merits, in accordance with law.

(REVATI MOHITE DERE J.)