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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.89 OF 2014

Sanjay @Raju Mukhiya	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.K.M.Mhatre, for the Applicant.
Ms.S.S.Kaushik, APP for the Respondent – State.
ASI – Maruti A. Thorat, Kurar Police Station.

CORAM : REVATI MOHITE DERE, J.
DATED : 29th APRIL, 2015.

PC.

1. Heard learned counsel for the Applicant and learned APP for the Respondent - State.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.295 of 2012 registered with the Kurar Police Station, for the alleged offences punishable under Sections 381, 394, 411, 120(B) of the Indian Penal Code.
3. Learned Counsel for the Applicant submits that no overt act has been attributed to the present applicant. He submitted that as far as

recovery is concerned, the recovery is at the instance of accused nos.2 and 3 and not from the present applicant.

4. Perused the statement of the victim – Vandana Kapoor and the statement of the first informant, who is the sister-in-law of the victim – Vandana. It appears that on 21st October, 2012, the victim – Vandana along with her daughter and servants Pravin, Santosh and the present applicant (who had recently joined) were in the house. It is alleged that when the victim went into the kitchen, the co-accused – Pravin came from behind and throttled her neck. It is alleged that the victim hit Pravin and pushed him away, however, Pravin held her again. It is alleged that thereafter, co-accused – Santosh and the present applicant lifted the victim and threw her on the bed. It is alleged that as she was trying to shout the co-accused – Pravin sat on her and gagged her mouth. The victim kicked Pravin and ran into her bed room and locked it. It is alleged by the victim, that thereafter she became unconscious, and when she regained consciousness, she learnt that all the 3 co-accused including the present applicant had stolen money and jewellery from her house and had run away.

5. From a perusal of the statement of the victim – Vandana, it is evident that the present applicant was very much present at the spot and that he along with other 2 co-accused had participated in the commission of the aforesaid offences. The applicant has been specifically named in the complaint. In addition, the Applicant is a resident of Bihar and it would be difficult to secure his presence during trial.

6. Hence, the Application for bail is rejected and disposed of as such.

7. It is made clear, that the observations made herein, are prima-facie, for the purpose of deciding this application and the trial court shall decide the case on its own merits, uninfluenced by the observations made in this order.

8. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)