

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

rpa

CRIMINAL BAIL APPLICATION NO.280 OF 2015

Asmat Ali Barkat Ali Shaikh

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

....

Mr.Ashish Mishra and Mr. Umesh Waghmare i/b. Ms.Sonali B. Patil,
Advocate for the Applicant.

Mrs.Rutuja Ambekar, A.P.P. for Respondent – State.

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CORAM : REVATI MOHITE DERE, J.

DATED : FEBRUARY 18, 2015.

P.C. :

Heard learned counsel for the Applicant and the learned
A.P.P. for the Respondent – State of Maharashtra.

2 By this application, the applicant seeks his enlargement
on bail in connection with C.R.No.1165 of 2014, registered with the
Shivajinagar Police Station, Ambernath, Thane, for the alleged
offences punishable under Sections 394 read with Section 34 of the
Indian Penal Code (IPC).

3 According to the prosecution, the complainant Raju Prasad Prajapati was doing the business of selling Ganpati idols along with his brothers. It is alleged by the complainant that on 3rd September, 2014, his brother Uma came to the shop and gave him Rs.1,00,000/- (Rupees One Lac) in cash to deposit the same, in the Punjab National Bank at Ambernath. Accordingly, the complainant proceeded in an auto-rickshaw for depositing the said money. As the bank had not opened, the complainant waited outside the bank, when four unknown persons came near the complainant and snatched the bag containing Rs.1,00,000/- (Rupees One Lac) from the complainant and pushed him in a nala, pursuant to which the complainant sustained injury on his leg.

4 The learned counsel for the applicant contended that though the applicant was identified, there is no recovery from the applicant. He submitted that as investigation is complete and charge-sheet has been filed, the applicant be released on bail.

5 The learned A.P.P. opposed the bail application. She contended that the applicant had been identified in the identification parade and the same is also captured in the C.C.T.V. Camera. She submitted that two offences have been registered, as against the present applicant, and as such the applicant has criminal antecedents.

6 Perused the charge sheet. Although, the C.C.T.V. footage does not form part of the charge-sheet, yet the fact that the complainant has given description of the applicant in the First Information Report and that the fact that the applicant has been subsequently identified in the test identification parade, is by itself sufficient ground to reject the applicant's application for bail.

7 Accordingly, the application is rejected.

8 Needless to state, that the learned trial Judge shall not be influenced by the observations made in this application and shall proceed with the case on its own merits.

(REVATI MOHITE DERE, J.)