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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.348 OF 2015

Santosh Jayram Bhagat

..Applicant.

V/s.

The State of Maharashtra

..Respondent.

Mr. Niranjan Mundargi with Mr.Vinayak R. Patil for the applicant.

Mrs.Veera Shinde, A.P.P. for the respondent-State.

CORAM : MRS.MRIDULA BHATKAR, J.

DATED : 20TH JULY, 2015

P.C. :-

1. This application is made for bail. An attempt to commit dacoity had taken place on the night of 5th August, 2014. The applicant-accused and his associates were found hiding. The applicant and his associates started running. The police and the members of public chased the persons and they nabbed three co-accused immediately. Thereafter, at the instance of Aziz Ibrahimhai Maniyar, police registered offence under C.R. No.141/14 with Niphad police station, Nashik for offences under sections 395, 397, 398 read with 120B of the Indian Penal Code. The applicant-accused was arrested on 18th September, 2014. Hence this bail application.

2. Learned counsel for the applicant submitted that the applicant-accused falsely implicated in this case. He was not present when the alleged preparation for dacoity had taken place. He submitted that as per his instructions, only one case is pending against the applicant-accused and he be granted bail.

3. Learned prosecutor submitted that three witnesses have identified the applicant in test identification parade as he was with the person when dacoits ran away from the spot and she relied on the report of the investigating officer in respect of the previous criminal record of the applicant-accused.

4. Perused the FIR and the statements of witnesses. The three witnesses have identified the applicant in the test identification parade which was conducted on 20th September, 2014. The criminal record of the applicant-accused is very bad. Nearly, 13 to 14 cases are pending against the applicant-accused and they are of the same criminal nature of theft, robbery. In view of this I am not inclined to grant bail. I am not satisfied that the applicant-accused when on bail will not commit any offence. Hence application is rejected.

(MRS.MRIDULA BHATKAR, J.)