

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 636 OF 2015

Sayyad Jafar Nakhun Shah. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Kaushik Mhatre, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 5, 2015

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal
Procedure, 1973. The applicant herein is arrested on 15th October,
2010 in Crime No. 364 of 2010 registered at Borivali Police Station
for offence punishable under Section 395, 120(B) of the Indian Penal
Code and Section 3 read with 25 of the Indian Arms Act.

3 It is the case of the prosecution that on 30th August, 2010 Shri Sharad Jain who is working as cashier in H.D.F.C. Bank lodged a report at the police station that as per R.B.I. Guidelines the bank has maintained the box in which stolen amount or misplaced amount after having seized are deposited which is called as bet money.

4 On 30/8/2010 the complainant had reached bank at about 8 a.m. He had opened the vault of the bank and had withdrawn Rs. 27,89,858/- and had deposited the same in the box, which was labelled as bet money. He has mentioned the denominations of the notes of the said currency. At about 9.30 a.m. the complainant had heard abuses and chaos at the gate of the bank. When he had attempted to see as to what has happened, at that time one person had entered into the bank by pushing aside security guards. His associates had snatched gun from the security guard. There was an atmosphere of terror created by 5 persons. That the said persons had asked for the cash to be delivered peacefully by the bank officers. At that time, one person had taken away the bet money which was kept

in the box. The first information report was lodged against 5 unknown persons. The complainant had given description of the miscreants who had entered into the bank. The investigation is completed and charge-sheet is filed.

5 The learned Counsel for the applicant submits that there is no cogent and corroborative evidence at least at this stage to suggest that the applicant is involved in the said case. However, the image captured in the C.C. T.V. footage of the applicant is admitted.

6 Learned Counsel for the applicant submits that the said image does not show that the applicant was armed with any weapon and therefore, according to the learned Counsel, he is not the person to whom the Branch Manager or the complainant has made any reference. The fact that the image of the applicant is admitted in the C.C.T.V. footage is sufficient to hold that the applicant was seen in suspicious circumstances at the time of the incident.

7 The learned APP submits that the applicant has been identified by 7 witnesses at the test identification parade. As against this, the learned Counsel for the applicant submits that although it is true that the applicant has been identified, no supplementary statement of the said witness is recorded to attribute specific role to the applicant. All these are the matters of substantive evidence to be adduced by the prosecution at the time of trial.

8 Prima facie, upon perusal of the papers of investigation, involvement of the applicant is writ large. This is a bank robbery case. Money involved is public money. In view of this, the application being sans merits stands rejected.

(SMT. SADHANA S. JADHAV,J)