

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1246 OF 2015

Bharat Manik More	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Umesh Mankapure, Advocate, for the applicant.
Mr. Arfan Sait, ApP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 2nd September, 2015.

P.C.

Heard the learned counsel for the applicant.

2. This is a subsequent application seeking bail in Crime No.196 of 2014 registered at Jath Police Station, District Sangli for the offence punishable under Sections 395, 342, 412, 120B of the Indian Penal Code and Section 3 read with Section 25 of the Arms Act.

3. The applicant herein had filed Criminal Bail Application No.17 of 2015 along with co-accused. The said application was partly allowed by an order dated 2.3.2015. The application filed by the present applicant was rejected mainly on the ground that there was recovery of the stolen articles at his behest under Section 27 of the Indian Evidence Act. There was

nothing to indicate that the said articles were foisted. A prima facie case was made out against the accused. Moreover, the learned APP, at the time of hearing of the Bail Application No.17 of 2015, had pointed out on the basis of the records that there are similar criminal antecedents against the present applicant. Hence, the application filed by the present applicant was rejected.

4. The learned counsel appearing for the applicant vehemently submitted that in the present case, the first information report was lodged against unknown persons. In the course of investigation, test identification parade was not conducted and, therefore, at this stage, it cannot be said that the role of the applicant has been made out by the prosecution. At the same time, the recovery of the stolen articles at the behest of the present applicant would go to the root of the matter. At this stage, the defence cannot be considered.

5. Criminal Application No.17 of 2015 was heard at length. Upon considering the merits of the matter, the application of the present applicant was rejected. There is no change in circumstances to consider the same evidence subsequently. In view of this, the Application is rejected.

(SMT.SADHANA S.JADHAV, J.)