

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1684 OF 2014

Amol Bhagwan Tare ...Applicant
vs.
State of Maharashtra ...Respondent

Mr. Shivraj Patil, Advocate for the Applicant.
Mrs. G.P. Mulekar, APP for the State.

CORAM : P.D. KODE, J.

DATE : FEBRUARY 04, 2015

P.C.

. By this application the applicant/accused charge sheeted by Dahanu police station along with 6-8 others for commission of offences punishable under Sections 392, 458 and 341 read with 34 of Indian Penal Code has prayed for bail.

2. The said police station has accordingly charge sheeted the applicant as a result of investigation in C.R. No. 34 of 2013 registered

with the said police station upon the F.I.R. lodged by one Jehangir Taafti regarding the incident of dacoity which had taken place on 10/06/2013 at about 23.15 hours at the residence of first informant in which 3-4 persons had entered in the house and on the point of knife made him to deliver the keys of the cupboard and property of value of Rs. 3,91,500/- were robbed/stolen.

3. The learned counsel for the applicant has pressed the prayer for bail on the ground that beyond the applicant being identified in T.I. parade, there is no other material against him in the charge sheet. It is submitted that entire recovery is effected at the behest of other co-accused and nothing has been recovered at the behest of the applicant except cash of Rs. 1,700/- and a wrist watch. It is submitted that since money is not having any earmark, the said recovery is insignificant. It is thus submitted that in view of

the paucity of material showing involvement of the applicant in the incident, the prayer for bail be considered.

4. The said submissions are rightly opposed by the learned APP by pointing out that the identification of the applicant at the T.I. parade is *prima facie* a good material at the present stage for showing his involvement in the commission of the offence for which he is charge sheeted. The learned APP pointed out that the F.I.R. amongst other reveals that the *Skigal Company* wrist watch was robbed/stolen in the said night along with other property and the watch recovered at the instance of the present applicant being of the same company is a corroborative material for the identification of the applicant made at T.I. parade. The learned APP thus prayed for not accepting the prayer for bail.

5. The perusal of the charge sheet reveals

that applicant has been identified in T.I. parade by the first informant as one of the culprit involved in the incident.

6. Having regard to it, *prima facie* it is difficult to accept that there is no tangible material collected during the course of investigation regarding involvement of the applicant in crime in question. Having regard to it and the manner in which the offence was committed, it is difficult to accede with the prayer for bail. Resultantly, the application stands rejected.

(P.D. KODE, J.)