

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2554 OF 2014

Bhushan Dattatraya Mane. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Jaydeep D. Mane, advocate for Applicant.

Ms. Veera Shinde, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 3, 2015

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 1/10/2013 in Crime No. 186 of 2013 registered at Indapur Police Station for offence punishable under Section 392 read with Section 34 of the Indian Penal Code. Investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 16/6/2013 Usha Bhagwan Jankar resident of Indapur lodged a report at the police station that on 16/6/2013 when she was going home alongwith her children, she was followed by a motor cycle. There were two persons on the motor cycle. The pillion rider on the said motor cycle had snatched mangalsutra from her neck. She had lodged report to the police station immediately. Crime No. 186 of 2013 was registered. In the course of investigation, the present applicant was arrested, rather he was transferred from another case.

4 The learned Counsel for the applicant submits that this is a case of no evidence as even according to the complainant, only two persons had followed her and snatched her mangalsutra. However, the present applicant happens to be an accused No. 5. According to the learned Counsel, two persons who had snatched mangalsutra are enlarged on bail by the Sessions Court. It is further submitted that the prosecution has not conducted test identification parade and

therefore, further incarceration of the present applicant would be unwarranted.

5 The learned APP submits that there are five offences registered against the present applicant at Jamkhed, Indapur and Walchandnagar police station for offence punishable under 379, 392 read with Section 34 of the Indian Penal Code. Office of the prosecution has filed an affidavit stating therein that it has transpired in the course of investigation that the present applicant was driving motor cycle on the date of the incident when the alleged offence was committed and that he was accompanied by Jyotiram. It is further contended by way of the affidavit that Jyotiram is still absconding accused. Learned APP has expressed an apprehension that the present applicant may not be available at the time of trial, since he has criminal antecedents.

6 As against this, the learned Counsel for the applicant submits that in fact, the applicant is innocent and he has been transferred from one crime to another only to show criminal antecedents.

7 However, taking into consideration that the applicant has criminal antecedents prima facie and that the learned APP has submitted that he may not be available at the time of trial, this Court is not inclined to grant bail.

8 The application being sans merit is rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)