

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.286/2015

(Satish @ Shuter Prakash Gudade..vs..State of Maharashtra, through PSO GRP Akola)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. V. B. Gawali, Advocate for applicant.
Mr. P. V. Bhoyar, A.P.P. for State.

CORAM : A.B. CHAUDHARI, J.

DATE : JUNE 22, 2015.

The applicant is being prosecuted for an offence punishable under Section 395 of the Indian Penal Code in Crime No.3768/2014 registered with Police Station, G.R.P. Akola.

Upon hearing learned counsel for the rival parties and upon perusal of the material against the applicant, I find that there is a very strong prima facie evidence against the applicant, disentitling him for grant of bail in serious offence of dacoity in running train. The gang of these persons entered the train and looted the passengers and statements of as many as 19 passengers were recorded from whom jewelery, cash amounts, mobile phones etc. were robbed by the dacoits including the applicant.

2

I quote paragraphs 4 and 5 from the reply filed by the prosecution, which read thus:

“4. During the course of investigation, the present applicant along with the other accused persons has gave memorandum statement of the Investigating Officer in presence of the witnesses and on the basis of the said memorandum statement, the Investigating Officer seized the golden articles, mobiles and cash amount from the accused persons including present applicant.

5. The the complainant has lodged the report initially before the Khandva G.R.P. Police Station and Khandva Police Station recorded statements of the complainant as well as other 19 persons whose movable property like jewelry, mobiles and cash amount was snatched by the accused persons while committed the said dacoity. The said persons identified their properties when the same is seized from the accused persons including the present applicant and accordingly their supplementary statements are recorded by the Investigating Officer. Accordingly, on the basis of memorandum statements of the present applicant also, the Investigating Officer seized one Mangalsutra

worth Rs.5600/-, one mobile of Spice Company bearing Model No. MS-376 of silver colour worth Rs.1500/- and one mobile of Nokia model no. 105 of black colour worth Rs.1200/- total property worth Rs.8300/- in presence of the witnesses and the said property is identified by the complainant and other witnesses.”

Perusal of the reply shows seizure made from this applicant and others in respect of the articles belonging to the passengers. The evidence is very strong and I do not find that the applicant can be released on bail. Hence, I pass the following order.

ORDER

(i) Criminal Application No.286/2015 is rejected.

JUDGE