

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1994 OF 2015**

Ramchandra @ Chandrya Raosaheb
Pimple
Versus
...Applicant

The State of Maharashtra
...Respondent

.....

Mr. Sachin Deokar i/b. Mr. Raju D. Suryawanshi for the Applicant.
Mr. D.P. Adsule, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 28th JANUARY, 2016.

P. C. :

This is an application for bail filed by the aforesaid Applicant, who has been arrested in C.R. No.106 of 2014 registered at Sangli City Police Station, District-Sangli for offences punishable under sections 398, 399 and 402 of the IPC and sections 3 and 25 of the Arms Act.

2. The case of the prosecution in brief is that on 2.7.2014 the complainant-Mahamad Rafik Shaik, Police sub inspector was on patrolling duty on Sangliwadi Bypass road. He received information that some unknown persons had assembled armed with weapons and were attempting to commit robbery. The complainant rushed at the place of the incident and on seeing the police, said five persons ran

away from the spot of the incident leaving the car and weapons at the spot of the incident. In the course of the investigation the Applicant was arrested and upon completion of investigation charge-sheet was filed and the case was committed before the Sessions Court. The Applicant had filed an application for bail before the Sessions Court, Sangli and the same was dismissed by the Additional Sessions Judge, Sangli, vide order dated 15.6.2015. Hence, the present application.

3. Mr. Sachin Deokar, the learned counsel for the Applicant has submitted that the Applicant is a young boy of 19 years of age and that he is not involved in committing said crime. He has further stated that there is no prima facie material to link the Applicant in the said crime.

4. Mr. D.P. Adsule, the learned APP has submitted that the Applicant was involved in committing theft of the car, which was found at the place of the incident and that the crime has already been registered against the Applicant herein for committing theft of the said car. He has further stated that the Applicant has criminal antecedents and the nature of the allegations levelled against the Applicant as well as the criminal antecedents of the Applicant would not justify grant of bail.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP for the Respondent -State. A perusal of the FIR prima facie reveals that on 2.7.2014 the Police Sub Inspector Mohammad Rafik Hasan Shaikh had lodged a report that while he was on patrolling duty, he had received information that five persons armed with deadly weapons were standing near bypass road near the old toll booth and that they were trying to rob the passers by. The complainant therefore, proceeded towards the place of the incident and saw one white Maruti Swift Car and five persons at the place of the incident armed with chopper, fire arm, crowbar, etc. On seeing the police personnels the said five persons ran away from the spot of the incident. They searched the said Maruti Swift Car left behind by the robbers and it was revealed that said vehicle belonged to one Sanjay Kachare and the same was stolen. The records further reveal that crime has already been registered against the Applicant for committing theft of the said vehicle. Thus, there is prima facie material to show the involvement of the Applicant, which is of serious nature.

6. The records reveal that the Applicant herein is involved in two cases, for offence punishable under sections 394r/w. 34 of the IPC and for the offence punishable under section 307 of the IPC. The gravity of the offences committed and the criminal antecedents, would not justify grant of bail.

7. Hence, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)