

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2451 OF 2015

Pintu @ Laxman Lala Nalwade & Anr. ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Sushil Kumar Upadhyay for the Applicant
Mrs. R.M.Gadhvi, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : JANUARY 21, 2016.**

P.C.

1. This is an application for bail filed by the aforesaid applicants who have been arrested in Crime No. 114 of 2015 registered at Dahiwadi Police Station, Satara for offences punishable under Section 392 r/w. 34 of the Indian Penal Code.
2. The case of the prosecution in brief is that on 17th July, 2015 at about 4.35 p.m. the applicants committed theft of gold ornaments of the complainant Sushma Dembre and her minor daughter at the point of knife. The FIR was lodged by said Sushma Dembre,

pursuant to which aforesaid crime was registered. The applicants were arrested on same day at about 5.30 p.m. The case was investigated and upon completion of investigation chargesheet has been filed. The case has been committed to the Sessions Court at Waduj. The applicants had filed application for bail, which has been dismissed by the learned Addl. Sessions Judge, Waduj by order dated 24.11.2015.

3. The learned Counsel for the applicants submits that the applicants are not involved in the crime and that they are ready to abide by the terms and conditions imposed by this Court.

4. The learned APP submits that there is prima facie material to show the involvement of the applicant in the commission of the crime. She has further submitted that the trial has not yet commenced. It is further submitted that the offence is of a serious nature and hence the applicant is not entitled for bail.

5. I have perused the record and considered the submissions advanced by the learned counsels for the respective parties.

6. The FIR prima facie reveals that on 17.7.2015 at about 4.35 p.m. while the complainant and her daughter were proceeding

towards her house, two persons who had come on a motor-cycle accosted them and committed theft of gold ornaments at the point of the knife. The applicants herein were caught on the same day. The material on record further indicates that the gold ornaments belonging to the complainant and her daughter were recovered at the instance of the applicants. The complainant has also identified the applicants in the I.D. parade held by the Executive Magistrate, Dahiwadi. Thus, there is prima facie material to show the involvement of the applicants in commission of the said crime. The nature of the crime would not justify the release of the applicants on bail. More so, the evidence of the complainant and her minor daughter is not yet recorded. In the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)