

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2101 OF 2016

Prashant Bhivaji Lande

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Priyal Sarda Advocate for Applicant.

Ms. Vinod Chate APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 23rd NOVEMBER, 2016.

PC :

1) Heard. This is an application under section 439 of Code of Criminal Procedure, 1973. Applicant herein is arrested on 15/12/2015 in crime no. 171 of 2015 registered at Junnar Station, District: Pune for offence punishable under sections 364, 394, 395, 341, 363, 511, 120 (B) of the Indian Penal Code.

2) It is the case of the prosecution that on 15/12/2015, Baby Khandu Pansare lodged a report at the police station that she is an agriculturist and cultivates land at village Tejewadi. On 15/12/2015, she had left the house in the early hours at 4.00 a.m. along with her son in a tempo to go to Junnar

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market for selling vegetables at Thane. They worked till 5.30 p.m. They then boarded their pick up van and when they were proceeding towards Junnar at about 7.30 a.m., one Omni van followed them, overtaken them and obstructed their way. Her son was constrained to stop the vehicle. Four unknown persons who had covered their faces had alighted from the Omni van and they had threatened her with a sickle and asked her to part with all the ornaments adorned by her. They had also demanded the cash. They assaulted her. She got scared and she parted with all the ornaments. Thereafter, they had taken her son Chaitanya in the Omni van. He was taken up to some distance. They threatened him at the point of sickle. He gave them his wallet and cash. Thereafter, they had proceeded. The first informant had the courage of stopping the vehicle passing by. They reached Anand Hotel, made a phone call to their relatives. The said relatives promptly informed Junnar Police Station to immediately stop all the vehicles on the road. They stopped the Omni van. Present applicant was driving the said Omni van. He was taken to the police station. The first informant and Chaitanya had seen him at the police station and thereafter, a report was lodged on the basis of which crime no. 171 of 2015 was registered. Investigation is completed and charge-sheet is

filed.

3) The learned counsel for the applicant submits that test identification parade would lose all significance since the accused were shown to the witnesses at the police station. According to the learned counsel, the applicant was apprehended on the suspicion and has been in custody for almost 11 months.

4) The learned APP submits that the applicant herein is being prosecuted for offence punishable under section 302 of the Indian Penal Code registered at Shirur Police Station. He is also being prosecuted for offence punishable under section 379 of the Indian Penal Code in crime no. 33 of 2002 registered at Manchar Police Station and therefore, he does not deserve to be enlarged on bail.

5) As far as the present case is concerned, it cannot be said that the applicant was apprehended on suspicion. The first informant had shown her courage. She is a farmer. At the police station, she had immediately identified the present applicant. She had seen him when he was demanding her golden ornaments and also when her son was abducted for a short while.

6) Taking into consideration the papers of investigation, nature of

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allegations and the criminal antecedents of the present applicant, this Court is of the opinion that the applicant does not to be enlarged on bail. The learned Sessions Court shall not be influenced by the observations made herein above at the time of trial.

7) Application stands rejected.

(SMT. SADHANA S. JADHAV, J.)