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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 627 OF 2016

Prasahant Dighe ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr. Aniket Nikam, i/ny Aashish Satpute, for the applicant.

Mr. Arfan Sait, APP for respondent-State.

Mr. G. N. Kadale, API, Pimpri police station, pune.

CORAM : A.M.BADAR, J.

DATED : 2nd AUGUST, 2016

P.C. :-

1. The applicant/accused, arrested in connection with crime No.475 of 2014, registered at Pimpri Police Station, Pune, for the offence punishable under Sections 394, 396, 397 read with section 34 of the Indian Penal Code, by this application is praying for releasing him on bail.

2. Heard the learned counsel for the applicant. He submitted that except communication between two Police Officers which is at record page No.53, there is no iota of evidence against present applicant.

3. The learned APP opposed the application by

contending that there are two eye witnesses to the crime in question namely Arvind Shukla and Buddhavilas Karoria. The learned APP further argued that the applicant has criminal antecedents.

4. Perused the chargesheet.

5. Informant Suresh Pehlani reported that on 14.10.2014 after closing his shop on 13.10.2014, at about 8.40 p.m, he was proceeding towards his house with cash amounting to Rs.2 lacs. At that time, two unknown persons gave dash to him causing his fall. Subsequently those persons robbed him of Rs.2 lacs. Ultimately informant Suresh Pehlani died on 15.10.2014.

6. The perusal of statements of eye witnesses Arvind Shukla and Buddhavilas Karoria, show that when informant Suresh Pehlani, was proceeding on two wheeler, unknown persons gave push to his motorcycle causing his fall and those persons robbed him. The entire chargesheet does not show how the prosecution has established identity of the present applicant as assailant and robber.

7. Considering the nature of evidence against the present applicant, his criminal antecedents becomes inconsequential. In this view of the matter, pre-trial detention

of the present applicant is not warranted and therefore, the following order.

Order

1. The application is allowed.
2. The applicant arrested in connection with above offence, be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- and on his furnishing surety in the like amount.
3. The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.
3. The applicant shall attend the trial scrupulously and shall co-operate the trial Court in expeditious disposal of the case.
5. The applicant shall not tamper with the prosecution evidence in any manner.

(A.M.BADAR, J.)