

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 932 OF 2016

Mr. Kaushik Shankarbhai Patel ..	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Prabhakar Jagdale, Advocate for the applicant.
Mr. Vinod Chate, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 13th October, 2016.

P.C.

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 10.2.2015 in Crime No.98 of 2014 registered at New Panvel Police Station for the offence punishable under Sections 395, 120-B of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

2. On 22.6.2014, one Kiran Chavan lodged a report at Vadgaon Maval Police Station alleging therein that in the night intervening 19.6.2014 and 20.6.2014, he was travelling by a bus of Jaggi Travels. Three persons from Ahmednagar had tried to pull the money sack from him which was containing about Rs.25 lakhs. Initially, the offence was registered against unknown persons. The name of the applicant had surfaced in the course of

investigation.

3. The investigating agency had recorded the statements of the witnesses under Section 164 of Cr.P.C. One of the witnesses, whose statement was recorded under Section 164 of Cr.P.C., is Adil Pathan. He has disclosed before the learned Magistrate that on 13.6.2015, one of his close acquaintance namely Rizwan Logade had called upon him and told him that he wants to hire an Innova car for two days. The deal was settled. Upon enquiry by the witness Rizwan had disclosed that the car was required by one Bhaijan. Subsequently, the present applicant was introduced to Adil Pathan as 'Bhaijan'. They had hired the said jeep. The witness was in the company of the present applicant for 2 days. He has specifically stated that he was directed by the present applicant to follow the Bus of Jaggi Travels. That he was constantly in contact with the co-accused. The witness was informed that one person had stolen money from his friend and that has to be recovered and, therefore, they are following the Bus of Jaggi Travels. It appears that the person who was accompanying the complainant was constantly in touch with the present applicant. The witness was informed that the present applicant is working with the Crime Branch and therefore the witness believed the same. It appears that the co-accused Jigar Patel was accompanying the complainant

and he was directed by the present applicant to steal the bag from the complainant and throw it down. He has also disclosed that one Mustafa Dafedar was having a gun and Imran Shaikh has stolen the bag and handed it over to the present applicant.

4. The papers of investigation clearly indicate involvement of the applicant. They also indicate that the present applicant was the mastermind in the whole conspiracy and had abetted, facilitated the act of robbery. The learned counsel for the applicant submits that the co-accused against whom there is evidence, have been enlarged on bail by the Sessions Court and, therefore, prays for parity.

5. The learned APP submits that the investigating agency is yet to take a decision as to whether the said orders need to be challenged before the higher Court. In any case, the papers of investigation clearly spell the incriminating circumstances against the present applicant and, therefore, the applicant does not deserve to be enlarged on bail. Liberty of an individual has to be weighed against the safety and security of the society and hence the application being sans merits deserves to be rejected.

The application stands rejected.

(SMT.SADHANA S.JADHAV, J.)