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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.947 OF 2016

Kandru Ratanlal Adivasi and Anr.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr.Veerhaval Kakade for applicants.

Ms.R.M.Gadhvi, APP for respondent-State.

Mr.Jairaj J.Patankar PI (Talegaon Dabhade Police Station, Pune).

CORAM : A.M.BADAR, J.

DATED : 8TH AUGUST, 2016

P.C. :-

1. Applicants / accused in Crime No.330/2015 for the offence punishable under section 395 read with 34 of the Indian Penal Code registered with Talegaon Dabhade Police Station, District Pune by this application are praying for releasing them on bail.

2. Heard the learned counsel appearing for applicants. He submitted that in the supplementary statement the role attributed to present applicant No.1 is that of sitting in the

bushes for keeping watch on persons. Therefore, the learned counsel submitted that the test identification period conducted by the prosecution is shrouded in mystery and cannot be acceptable. The learned counsel further argued that after arresting applicants in some other crime, they are transferred in this crime wherein there is no evidence against them.

3. The learned APP opposed the application and contended that gang of dacoits had committed dacoity and assaulted informant Dr.Vijay Tadke and his wife and thereafter they looted cash and valuables worth Rs.81,000/- from them. The learned APP drew my attention to the subsequent F.I.R. lodged against present applicants and their arrest in the said crime. My attention is also drawn to the supplementary statements of witnesses.

4. Perused the charge-sheet. From perusal of the charge-sheet, it reveals that the informant after parking the car in Ghordeshwar, Talegaon in the vicinity of Pune visited Ghordeshwar Hills at Talegaon in leisure time. The gang of dacoits operating in that area used to assault the visitors to

Ghordeshwar Hills and the said gang used to commit dacoity and in that process, the visitors used to be injured.

5. The F.I.R. in question is filed by Dr. Vijay Tadke, a professor in Fergusson College, Pune. He visited Ghordeshwar Hill with his wife on 17th November, 2015. When they were climbing the Hill, three persons accosted them. The informant and his wife were assaulted by wooden logs and those three persons looted cash and valuables worth Rs.81,000/- from the couple. The F.I.R. came to be lodged on 18th November, 2015 by injured Dr.Vijay Tadke. Statements of witnesses shows that the informant and his wife were lying unconscious on the spot of incident. Subsequently, police laid a trap and ultimately found five persons including the present applicant with full preparation to commit dacoity at the same place. Out of these five accused persons, from accused Ilajbabu Angrezbabu Adivasi, driving licence, driving licence ATM card of the informant and other documents came to be recovered. Panchanama recorded at that time goes to show that applicant No.2 was having knife with him whereas applicant No.1 was having chilly powder with him. Subsequently, test identification parade came to be conducted. In the parade, the

informant and his wife have identified applicant No.1.

6. Considering the nature of crime, circumstances in which it was committed and prima facie evidence collected by the investigator, no case for bail is made out. The application is rejected.

(A.M.BADAR, J.)