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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1009 OF 2016

Sitaram Vasant Sawant and others	 Applicants
V/s.	
The State of Maharashtra	 Respondent

Mr. Niranjana A. Mogre, for the Applicant.
Mr. S. S. Pednekar, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 22nd JUNE, 2016.

P.C. :

1. Heard the learned counsel for applicants. He argued that applicants are having no criminal antecedents. He further argued that the incident in question is alleged to have happened in night intervening 10.12.2015 to 11.12.2015. The F.I.R. does not show that the informant or his associates had seen accused persons. Evidence regarding identification as such is doubtful. He further argued that recovery is already effected and no purpose will be served by keeping the applicant behind bar.
2. As against this, learned APP argued that the offence is serious and the application is liable to be rejected.
3. Perused the F.I.R. The informant Ravindra -Supervisor of

Modern Poultry, had been to various poultry farms for selling chicken. On 10.12.2015, after selling chicken, he was returning on his motorcycle with co-employee Ankit Dasure. On the way, while proceeding via Choundhi at 1.00 p.m. of 11.12.2015, one person intercepted them and assaulted them by means of stick. The informant and his co-worker suffered a fall from the motorcycle. Then four more persons came there armed with stick. They had assaulted the informant and his co-worker. The bag containing Rs.4.85 lacs as well as weighing machine and cellphone was snatched by those persons, who ran away after the incident.

4. During the course of investigation, test identification parade was conducted by Tahsildar on 18.1.2016. The memorandum of test identification parade at page No.83 goes to show that applicants were identified by the informant as well as by co-employee Ankit Dasure. The chargesheet also shows that there is recovery at the instance of accused persons. The chargesheet shows that at time of dacoity, the informant and co-worker were assaulted by accused persons. The offence as such is punishable with life imprisonment. No case for bail is made out. Therefore, the application is rejected.

[A. M. BADAR, J.]