

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1707 OF 2016

1. Pranit Namdev Kasar
2. Amar Anant Vaje
3. Adesh Dnyandev Kasar
4. Sagar Chandrakant Khedkar
5. Rakesh Kashiram Dighe
6. Akshay Bharat Kasar
7. Bhaskar Tukaram Lad

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Ms. Naina Rao i/b Mr. Umesh S. Iyer Advocate for Applicants
Ms. Veera Shinde APP for the State.
Mr. D. S. Patil, P.I. Pali Police Station, Raigad.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 22nd NOVEMBER, 2016.

PC :

- 1) Heard. This is an application under section 439 of the Code of Criminal Procedure, 1973. Applicants herein are arrested on 15/06/2016 in crime no. 55 of 2016 registered at Pali Police Station, Dist: Raigad for offence punishable under section 395 of the Indian Penal Code.
- 2) At the threshold, the learned counsel for the applicants is not pressing

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for the application of the applicant nos. 1 & 7 and hence, application as far as applicant nos. 1 & 7 is concerned is dismissed as withdrawn.

3) It is the case of the prosecution that on 14/06/2016, the complainant Swapnil Dalvi had taken biscuits from Britannia Company and was proceeding in a tempo bearing no. MH 04 GR 2649. he was passing through Khalapur. According to him, Anant Transport Vashi had given him Rs. 25,000/- as advance for delivering/unloading the biscuits. On the road, near Pali-Vakan road, he had seen that there was some altercation going on between the driver of a dumper no. MH 06 BD 2943 and some motorcycles. That he had attempted to intervene. He was also abused and man handled. There were more than 7 persons who were on their respective motorcycles. They had also threatened the complainant of dire consequences. The driver of the dumper was also beaten. It is also alleged that they had snatched Rs. 5,000/- from another person. He had noted the registration number of one motorcycle which is MH 06 BL 4262 belonging to applicant no. 7. On the basis of his report crime no. 55 of 2016 was registered and the investigation was set in motion. Investigation is completed and charge-sheet is filed.

4) It appears from the papers of investigation that it is the case of road

robbery. That the test identification parade was held in the course of investigation and according to the prosecution, accused nos. 1 & 7 have been identified in the test identification parade. As far as applicant nos. 2 to 6 are concerned, some of them were identified and the role attributed to them was that they were accompanying accused nos. 1 & 7 and had also participated in the said incident.

5) The learned counsel for the applicants submits that test identification parade was held on 05/07/2016. By then applicant nos. 2 to 6 are produced before the Magistrate on several occasions. Their faces were not concealed and hence, the complainant as well as the witnesses were able to see them at the time of remand. Be that as it may, the learned APP, upon instructions admits that there no criminal antecedents against present applicant nos. 2 to 6. Investigation is completed. Applicants are young boys and in all probabilities were under the influence of applicant nos. 1 & 7. Hence, applicant nos. 2 to 6 deserve to be enlarged on bail. However, it is made clear that observations made herein above are prima facie in nature and are restricted to an application under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the

time of trial.

ORDER

- (i) Application is allowed.
- (ii) Applicant nos. 2 to 6 be enlarged on bail on furnishing P. R. bond in the sum of Rs. 25,000/- each with one or more local solvent sureties in the like amount.
- (iii) Applicants shall report to the police station as and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)