

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1762 OF 2015

Sunil Bhaskar Anarthe ..Applicant

v/s.

The State of Maharashtra. ..Respondents

Mr. Jayesh Vithalani for the Applicant
Mr. G.P.Mulekar, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 24, 2016.**

P.C.

1. This is an application for bail filed by the aforesaid applicant who is facing trial in Sessions Case No.1 of 2013 pending on the file of the Special Court, Nashik. The said Sessions Case arises from C.R.No.I-284 of 2012 registered at Ambad Police Station for offences punishable under Section 392, 395, 412 r/w. 120(B) and 109 of the Indian Penal Code, Section 3 and 25 of the Arms Act r/w. Section 135 of the Bombay Police Act.

2. The allegations against the applicant are that on 27.9.2012 at about 9.25 am while the First informant Mukund and his partner Gulab were in the office and had packed a total amount of Rs.1,03,50,000/- in two bags and Rs.23,50,000/- in another bag. As they were making some calculations, four unknown persons entered the office and one of the persons pointed out a pistol at the complainant and other person threatened him with knife. It is alleged that and one of them threw chilli powder and thereafter committed theft of Rs.1,27,00,000/- and fled away on a black pulsar motor cycle . Pursuant to the complaint lodged by Mukund Mandage, the aforesaid crime was registered. The applicant and the other co-accused were arrested and after completion of investigation chargesheet was filed.

3. The learned counsel for the applicant submitted that there is no prima facie material to show the involvement of the applicant in committing the said crime. He has further submitted that the applicant is languishing in jail since 11.10.2012 despite there being no material to show his complicity in the said crime.

4. The learned APP submitted that there is prima facie material to

show that the applicant had furnish the pistol to the co-accused. The ballistic report also shows that the pistol recovered from the co-accused was used in committing the crime. She has submitted that the applicant has criminal antecedents and that as many as 15 cases are registered against him for committing similar offences.

5. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties. The records prim facie reveal that four unknown persons had entered the office of the complainant and had committed theft of Rs. 2,27,00,000/- a gun point and by throwing chilli powder. The material on record prima facie indicates that the co-accused were arrested and sum of Rs.92 lakhs has been recovered from the co-accused. The material on record further indicates that one of the co-accused by name Nagesh Sonawane had made a confessional statement under Section 18 of the MCOC Act, 1999. A perusal of the statement indicates that the present applicant is also involved in the said crime. His statement indicates that the applicant herein had supplied fire arm and 12 cartridges which were used in the said crime. The Ballistic report also prima facie reveals that the firm arm

recovered at the instance of the present applicant was used in the commission of the said crime.

6. The records reveal that total 15 cases of similar offence are registered against the applicant. The learned APP has placed on record the list of the said crimes registered against the applicant. A perusal of which shows that the applicant is involved in series of crimes as well as his criminal antecedents would not justify grant of bail. The application is therefore dismissed.

7. At this stage the learned counsel for the applicant has submitted that the charge was framed on 9.12.2013 and that the trial has not yet commenced. Considering the fact that the applicant is in jail since 2012, the learned Judge is directed to conduct the trial as expeditiously as possible.

(ANUJA PRABHUDESSAI, J.)