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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2159 OF 2015

Shailesh Namdeo Patil	..Applicant.
V/s.	
State of Maharashtra	..Respondent.
Mr.Sachin Gite for the applicant.	
Ms.R.M.Gadhvi, APP for respondent-State.	

CORAM : A.M.BADAR, J.

DATED : 14TH JULY, 2016

P.C. :-

1. The applicant / accused in Crime No.198/2013 for the offences punishable under section 395, 341 and 170 of the Indian Penal Code registered with the Manmad City Police Station, District Nashik by this application is praying for releasing him on bail.

2. Heard the learned counsel appearing for the applicant. In submission of the learned counsel for the applicant, there is no evidence to connect the applicant in the crime in question. He argued that the applicant came to be

arrested on 30th December, 2014 and without subjecting him to test identification parade a show of his identification by photograph is made by the Investigating Officer on 7th January, 2015. The learned counsel further argued that prior to the arrest of the present applicant, recovery is shown to have been effected on 25th October, 2013. For this purpose, the supplementary statement of informant Moresh came to be relied.

3. The learned APP opposed the application by contending that the offence is serious and the applicant is having criminal antecedents.

4. Perused the charge-sheet. The F.I.R. came to be lodged on 23rd September, 2013 by Moresh Sunil Prajapati. He along with Tushar and Sajjansingh were proceeding from Indore to Shirdi. On the way, after Manmad City near the railway bridge at about 1.45 a.m. to 2.00 a.m. on 23rd September, 2013 their car was intercepted by a Scorpio bearing No.RJ-30-8888. Four persons alighted from the Scorpio vehicle and as per the prosecution case, at gunpoint, the informant and his associates were relieved of cash and

valuables worth Rs.2.27 lakhs.

5. From the papers of investigation it is seen that team of police went to Rajasthan for the purpose of investigation as the Scorpio vehicle was having number plate of Rajasthan. During investigation, it was found that Scorpio was owned by Ram Narayan Paliwal and accused persons robbed that vehicle and other valuables from Bunti Paliwal - nephew of the owner. Ultimately, crime No.234/2013 for offence punishable under section 395 of the Indian Penal Code came to be registered at Jawad, District Ajmer regarding this incident.

6. During investigation, it has also transpired that same Scorpio was also involved in Crime No.303/13 of Pipliya Police Station, Mandsu, Madhya Pradesh. The patrolling squad of that police station had intercepted the vehicle on 27th September, 2013 and when the police attempted to search that vehicle, one of the accused tried to flee. Police successful nabbed present applicant Shailesh and co-accused Irfan @ Irak Pahelu Mev on 27th September, 2013. Crime No.303/2013 came to be registered and during investigation of this crime,

some articles came to be seized and that is how the informant Moresh could identify the gold ring of Sajjansingh on 25th October, 2013 recovered from the accused persons. The photographs of the accused persons were shown to Moresh on 7th January, 2015 and he identified the present applicant and the co-accused. The evidentiary value of this identification will be decided at trial. Even otherwise, substantive evidence is of dock identification. The F.I.R. shows that the gold ring was robbed from Sajjansingh.

7. Considering the criminal antecedents and prima facie material to connect the applicant with the crime in question, no case for bail is made out. The application is rejected.

(A.M.BADAR, J.)