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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2217 OF 2015

Raju Gulab Shaikh and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr.Rajaram V./ Bansode for the applicants.
Mr.S.S. Pednekar, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 4TH JULY, 2016

P.C. :-

1. Applicants / accused in Crime No.95/2014 registered with Vita Road Police Station, Sangli for offences punishable under section 394, 397, 120B, 457 read with 34 of the Indian Penal Code and sections 3(1) (iii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 by this application are praying for releasing them on bail.

2. Heard the learned counsel for applicants / accused. By taking me through the statement of victim, the learned counsel for applicants argued that only three persons were involved in the alleged robbery. The learned counsel for the

applicant argued that the age of the accused persons as come on record in the statements of witnesses is from 25 to 30 and 30 to 33 years. Applicant No.3 is an aged person of 72 years. The learned counsel further argued that the statement of Sachin Khare is recorded belatedly by the Investigating Officer, as such, the same cannot be relied upon. Even accused persons are acquitted in one case.

3. The learned APP opposed the application.

4. Perused the charge-sheet. According to the prosecution case, in the night intervening 3rd May, 2014 and 4th May, 2014 applicants along with co-accused committed dacoity at the house of Krushna Kadam located at village Palashi, Taluka Khanapur, District Sangli. F.I.R. came to be lodged by Shankar Pandit Kadam, brother of the victim. As per the statement of the informant as well as inmates of the house of family of the informant, three persons have entered in the house armed with iron rod. By assaulting the inmates of the house as well as the informant, they looted mobile phones as well as gold ornaments worth Rs.46,000/-.

5. During investigation, the Investigating Officer recorded statement of Sachin Khare – driver. His statement

reveals that accused persons hatched conspiracy on being tipped off by one Sandesh Kadam, who is resident of Palashi prior to committing dacoity. Some of the accused persons, including applicant No.3 Pravinkumar had been to village Palashmi for locating the house of the victim. The accused persons were made to understand that the victim's family is having lots of money. According to the prosecution case, applicant No.1 Raju Shaikh had taken active role in the dacoity whereas rest of applicants are in the conspiracy to commit dacoity, as seen from statement of Sachin Khare

6. True it is with accused No.3 dacoits have entered in the house of the victim, but it is seen from statement Sachin Khare who drove the vehicle for carrying the accused persons to village Palashi that the incident is a fallout of a conspiracy wherein the rest of applicants are also involved.

7. Considering the nature of the crime and the manner in which it is committed, no case for bail is made out. Hence the order.

The application is rejected.

(A.M.BADAR, J.)