

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2293 OF 2015

Joginder @ Jogendra Gopal
Rana @ Govind .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Sunny Singh, Advocate for the applicant.

Mrs.Rutuja Ambekar, APP for the Respondent State.

CORAM : PN. DESHMUKH, J.

DATED : 14th JULY 2016

P.C. :

1 Heard learned counsel for both the sides.

2 Accused involved in Crime No.I-305 of 2014 registered by Kandivali Police Station for the offence punishable under Sections 392, 397 r/w Section 34 of the IPC and Sections 3, 25, 27 of the Arms Act on 6th October 2014, has applied for bail.

3 Learned counsel for the applicant has submitted that though FIR is lodged immediately after the incident, same is against unknown persons. It is contended that there are no witnesses giving physical description of applicant, and that applicant is arrested only on suspicion. It is also contended that only ground considered by the learned Sessions Court for rejecting bail application is that applicant is not having a permanent place

of residence in Mumbai, and as such, there is likelihood of his absconding. It is therefore, prayed that application be altered.

4 Perused the charge-sheet.

5 Though FIR appears to be registered against unknown persons, from its contents, it reveals that complainant Rajesh who is involved in gold jewellery making business and working as a Manager in such Company on 5th October 2014, left his factory in the night at 9.00 p.m, carrying with him 2 gold bangles. While he was proceeding near from Hanuman temple, he was followed by two persons on motorcycle who apprehended him near Mansoravar Co-operative Housing Society. At this juncture, complainant suspecting the motorcyclists informed said fact to his brother Harshad {Learned APP, on instructions, states that name as “Harshad” is wrongly mentioned in FIR instead of “Dilip Sohni” whose statement is on record and is brother of complainant}. In the mean while, accused removed both the gold bangles possessed by complainant along with golden bracelet which was on his person, and ran away on the motorcycle.

6 On the basis of secret information received by Crime Branch and as applicant is criminal element having criminal antecedents, and is also externed for a period of two years came to be arrested in this Crime on 12th October 2014.

7 Learned APP, in support of above fact, has tendered at the bar police report for perusal, which consists of list of crimes registered against the applicants by various police stations in

Mumbai. On perusal of said list, it appears that all the crimes so registered are mainly for the offences punishable u/s.392, 397 r/w section 34 of the IPC. The case of prosecution with reference to arrest of applicant, therefor appears to be just and reasonable.

8 From further documents, it reveals that during the course of investigation, 30 gms gold came to be seized at the instance of applicant from a jewellery shop on 18th October 2014. The shop owner has identified the applicant as one of the person who had produced before him one gold bracelet which was melted. Contents of seizure panchnama reveals that approximate weight of gold bracelet is 33 grams which tallies with the weight of bracelet stated by the complainant.

9 From the documents, it is further revealed that in a Test Identification Parade held on 3rd January 2015, complainant had identified the applicant.

10 Considering the available evidence against the applicant, he cannot be said to be entitled for grant of bail as there is *prima facie* evidence to establish his involvement in the present crime.

11 Having considering facts as aforesaid, Application is rejected.

(PN. DESHMUKH, J)