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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2347 OF 2015

Shivakant Udaynarayan Shukla

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr.Bhavesh Parmar i/b Devmani Shukla for Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM: A.S. GADKARI, J.

DATE : 21st January 2016.

P.C.

1 The applicant is seeking bail in CR No.251 of 2015 registered with Vanrai Police Station, Mumbai under Section 397, 120-B of the Indian Penal Code and Sections 3 and 25 of the Arms Act.

2 It is the prosecution case that the original accused No.1- Padmakar Choube, accused No.3-Rohitkumar Yadav and accused No.4- Ratnakar Choube committed robbery on highway and robbed a sum of Rs.17,50,550/- from the possession of the complainant Shri Sandeep P. Dube. The complainant was working as a Manager at Indian Oil Petrol Pump, Goregaon (East), Mumbai and was proceeding towards the bank for

depositing the aforesaid amount. The date of incident is 10.8.2015. After completion of investigation, the Police have filed chargesheet.

As far as the present applicant is concerned, it is the specific case of the complainant that the applicant gave and/or passed on information that, the complainant is proceeding with the said amount to the other accused persons, who actually committed the offence as contemplated under Section 397 of the Indian Penal Code.

3 It appears from the record that the applicant has been arraigned as an accused only on the basis of suspicion and the statement of the co-accused given to the Police Officer in the custody. It is the settled position of law that, suspicion however strong it may be, cannot substitute the legal proof. Apart from the suspicion and the statement of the co-accused recorded by the Police in the custody, there is no other evidence and/or material available on record against the applicant. In my opinion, the applicant has made out case for releasing him on bail.

4 Hence, the following order:-

(i) The applicant shall be released on bail in CR No.251 of 2015 registered with Vanrai Police Station, Mumbai on his furnishing PR bond of of Rs.25,000/- with one or two solvent sureties.

(ii) After his release from jail, the applicant shall attend the

Vanrai Police Station on every 1st and 3rd Monday of the month between 10.00 a.m. to 12.00 noon.

(iii) The applicant shall not tamper with evidence and/or influence the prosecution witnesses.

5 The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)