

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

CRI. BAIL APPLICATION NO. 2494 OF 2015

Mr. Rajkumar Dayanand Singh ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr. Swapnil Ambure a/w. Raghuendra Mehrotra, Advocate
for the Applicant.

Mr. Arfan Sait, A.P.P. for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 28th JUNE, 2016

P.C. :

1 The Applicant/accused in Crime No. 55 of 2015 for the offences punishable under sections 392, 397, 452, 120(B) of the Indian Penal Code and under sections 3 and 25 of the Arms Act, by this application is praying for releasing him on bail, pending trial.

2 Heard learned counsel appearing for the Applicant / accused. He argued that entire story of the prosecution, as reflected from the charge-sheet is totally unbelievable. Heroic role is attributed to the son of the informant and according to the prosecution case, accused persons were armed with firearms. It is tried to show that they are over powered.

Investigation itself is faulty as sources of procuring of firearms is not traced out. It is unbelievable that the son of the informant will scare accused persons, who were having firearms with them.

3 Learned APP opposed the application by contending that the trial is going on and five prosecution witnesses are already examined. Thus what is believable or what is unbelievable is a question of fact which cannot be determined at the pre-trial stage. Ultimately, this factor is to be examined by recording evidence of the witnesses.

4 Perusal of the FIR as well as papers of investigation goes to show that by hatching a conspiracy, the informant was robbed and as a very meager amount was found with him, his son was called. Ultimately, the accused came to be apprehended and few of them were successful in running away. As the trial is going on, at this stage, it is not appropriate to release the applicant on bail, considering the nature of evidence against him, as reflected from the charge-sheet.

5 The application for bail deserves to be rejected. It is rejected accordingly.

(A. M. BADAR, J.)

.....