

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

CRIMINAL BAIL APPLICATION NO. 144 OF 2017

1 Bhushan Gurunath Raut @ Jadhav.
2 Pradeep Shantaram More. ... Applicants.
Versus
The State of Maharashtra. ... Respondent.

Mr. Ganesh Bhujbal i/b. Mr. Vinayak Patil, advocate for Applicants.

Mr. R.M. Pethe, APP for State.

Mr. Bhushan Bhoje, PSI, Shahpur Police Station.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 7, 2017**

P.C.:

1 Heard the learned Counsel for the applicants and the Learned
APP for State. Perused the papers.

2 This is an application under section 439 of the Code of Criminal
Procedure, 1973. The applicants herein are arrested on 6/7/2016 in

Crime No. 149 of 2016 registered at Shahapur Police station. The investigation is completed and charge-sheet is filed against the present applicants for offence punishable under section 395 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 3/1/2016 Pramod Bhaskar Dherde, working as a supervisor in Premiumchicks Pvt. Ltd. Shahapur has lodged a report at the police station that on 2/7/2016 he had collected the amount of sale of the chicks and was proceeding to deposit the said amount. When he was passing from the Birwadi Sai Bhatsa Hotel on 3/7/2016 at night at about 1.15 a.m. he was intercepted by a car. He stopped. At that time 3 persons had alighted from the said car. They had spoken in Hindi and had taken away his cell phone hand set and ATM cards and other documents. They had taken away the amount of Rs. 1,47,720/- which he was carrying with him. Crime No. 149 of 2016 was registered against unknown persons.

4 In the course of investigation, the present applicants have been arrested. No test identification parade is conducted, as it is the case of the prosecution that the said accused persons had muffled their faces at the time of incident. In the course of investigation, Alto car has been recovered at the instance of applicant No. 1 and it had transpired that the said car belongs to Vijay Bhagwan Raut, relative of applicant No. 1 Bhushan, who claimed to have purchased the car from one Supriya Kolambakar. T.T. Forms are yet to be signed. That on 2/7/2016 the accused i.e. the applicant No. 1 has operated his Alto car. On 10/7/16 he learnt that the applicant had used the said car in the Crime No. 149 of 2016.

5 The learned Counsel for the applicants submits that the registration Number of the said car has not been mentioned in the first information report and that the applicant has been arrested on

suspicion. Be that as it may. The learned APP submits that the car had no number plate.

6 The learned Counsel for the applicants submits that the applicants have been arrested on the basis of suspicion. The applicants are in custody for more than 5 months. There are no criminal antecedents of the similar nature. That the applicants were arrested in crime No. 149/16. According to the Investigating agency, it had transpired that they were also involved in the Crime No. 49 of 2016 registered at Kinwali Police Station. It appeared to be inculpatory statement. Taking into consideration all these aspects, this Court is of the opinion that the applicants deserve to be enlarged on bail.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application

under section 439 of the Code of Criminal Procedure, 1973 and shall not be considered at the time of trial.

8 Hence the following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- each and one or more sureties in the like amount.
- (iii) The applicants shall attend Shahapur Police station on 1st and 3rd Sunday of each month till framing of charge and cooperate with the investigating agency to the best of their capacity.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)