

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 148 OF 2017**

1. Satyam Sanjay Sonawane,	
2. Chetan Popat Leve	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Aashish Satpute h/f Mr. A. U. Nikam for the Applicants

Mr. Sooraj S. Hulke, A.P.P for the Respondent-State

PSI Mr. Manish Kishor Pote from Gangapur Police Station, Nashik, is present.

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st APRIL, 2017

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P for the State.

2. By this application, the applicants seek their enlargement on bail in connection with C.R. No. 180 of 2016 registered with the Gangapur Police Station, Nashik, for the alleged offences punishable under Sections 394, 397, 323, 34 of the Indian Penal Code and under Section 135 of Bombay Police Act.

3. Learned Counsel for the applicants submits that only the complainant has identified both the applicants, whereas, Rameshwar Prasad has not identified the applicant No. 1-Satyam Sonawane and have only identified applicant No. 2-Chetan Leve. He submits that there is no recovery *qua* any of the applicants and that applicants have no antecedents.

4. Learned A.P.P opposed the application.

5. Perused the papers. The incident in question has taken place on 8th September, 2016 at about 23:45 hours, when the complainant-Jitendra Bhate was returning home after performing his duty at Hotel Uptake. According to the complainant, three unknown persons came on a Scooter, snatched his mobile phone and wallet and assaulted him on his left thigh and right buttock and ran away. Pursuant to which, a complaint was lodged alleging the aforesaid incident.

6. According to the prosecution, within a few minutes, on the very road, Ramshankar Thakur Prasad and Sanjay Prasad were assaulted and robbed by the accused. It appears that in the identification parade, the

complainant-Jitendra Bate has identified both the applicants, whereas, Ramshankar Prasad has identified applicant No. 2-Chetan Leve and not applicant No. 1. It appears that the complainant's mobile which was stolen, was sold to one Yash Prakash Alhate, pursuant to which, the said mobile was tracked. A perusal of the statement of Yash Alhate shows that the mobile which was stolen was sold to him by applicant No. 2-Chetan Leve. The injury certificate of the complainant-Jitendra Bhate shows that he has suffered two injuries-penetrating wound on left thigh and penetrating wound on right buttock.

7. As far as Ramshankar Thakur Prasad is concerned, he has sustained one grievous injury, one stab wound on low back left side (sutured dressed wound at private hospital), excessive haemorrhage internal abdominal cavity, stab injury left side at chest. The said injuries are stated to be grievous injuries.

8. Considering the material on record, this is not a fit case to enlarge the applicants on bail. The application is rejected.

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.