

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

**CRIMINAL BAIL APPLICATION NO. 521 OF 2017**

|                           |                 |
|---------------------------|-----------------|
| Akash Chandrakant Chavan. | ... Applicant.  |
| Versus                    |                 |
| The State of Maharashtra. | ... Respondent. |

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Ms. Mayuri D. Hatle, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

Mr. Vijay H. Dalvi, API, Crime Branch, Unit-5, Wagle Estate, Thane.

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**CORAM : SMT. SADHANA S. JADHAV, J  
DATE : MARCH 23, 2017**

**P.C.:**

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

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 30/6/2016 in Crime No. 173 of 2016 registered at Wagle Estate Police Station. Investigation is completed and charge-sheet is filed against the

applicant and others for offence punishable under section 395, 397, 342, 506(2), 120B and 201 of the Indian Penal Code.

3 It is the case of the prosecution that there was a dacoity in the office of Checkmate Services Private Limited in the intervening night of 27<sup>th</sup> and 28<sup>th</sup> June, 2016. An amount of Rs. 5 Crore was stolen by the dacoits. One Sunil Ganesh Rathod who was working as Deputy General Manager of Checkmate Company lodged a report at the police station that he had been informed that a dacoity had taken place in the said company. The complainant had stated that the total amount is of Rs. 9,16,34,051/-. It was reported to him that dacoity was committed by 4 unknown person, three person were wearing monkey caps. One of them had muffled his face with handkerchief. He had further clarified that on 28/6/2016 in the early hours at about 3.15 a.m. the watchman Kori had given a call from outside the gate. Watchman Pawar had noticed that the call was given by Mr. Kori who is known to him and therefore, he opened the gate. Soonthereafter, four persons wearing monkey cap had entered from the gate and

threatened of dire consequences. The first informant had given description of the persons who had entered in the company forcibly. The said persons had cut all the wires of CCTV cameras. Gurunath who was an employee of the company was threatened with a chopper. The assailants had fled away with the stolen booty.

4 It is the case of the prosecution that the present applicant happens to be the ex-employee of the company. His services were terminated sometime in December, 2015. It is further case of the prosecution that in March, 2016 the present applicant had informed his friends that he is an ex-employee of Checkmate company. He knows that everyday there used to be 10 to 15 crore cash in the said company. He knew about the security service of the said company. He further informed his friends that if they are able to steal that money, their life would change. He had also shown photographs of the company including the mode of ingress and outgress to the company. At that juncture, Umesh had told everybody that his brother-in-law Kiran Salunkhe is running a card club in Nashik and

that he would make boys available for the said mission. The present applicant had further clarified that his friend Amol Karle is still working in the company and he would definitely help them in accomplishing the said mission.

5 It is alleged that he in fact, has given whole map and modus operandi, which could be undertaken for committing said dacoity. The statement of some of the witnesses would indicate that the amount was distributed amongst the thieves soon thereafter. That the wife of Kiran Salunkhe had given share of the applicant in her house. Involvement of the applicant is writ large.

6 The learned Counsel for the applicant submits that there is variance in the statement of witnesses. The learned Counsel for the applicant submits that Amol Karle and Yogesh Chavan have been enlarged on bail by the Sessions Court although Amol Karle was working with the company on the date of incident. It is also submitted that statement of Mahesh Satre would clearly indicate that

the applicant had stated that with the help of Amol Karle they could accomplish their mission. Mahesh Satre has further stated that on the next date of the incident, he had learnt that the plan led by the present applicant had been executed. The learned Counsel for the applicant has submitted that there is no recovery from the present applicant. That in fact, there was a recovery of Rs. 1,70,28,495/- from the house of Kiran Salunkhe.

7 The learned APP submits that statement of the witnesses is also recorded under section 164 of the Code of Criminal Procedure, 1973. It is further submitted that the entire plan of dacoity was given by the present applicant. That he does not deserve to be enlarged on bail. It is also submitted that the applicant had conspired with the co-accused. Learned APP also submits that there are CDR details showing that the applicant had aided and facilitated commission of dacoity. There are CDR details to show his communication with the co-accused on 27/6/2016. The applicant had shown map on his cell phone. The cell phone is attached and is sent for forensic

examination. The learned APP submits that the statement of Suresh Raibole would also indicate active involvement of the applicant as the applicant happens to be main conspirator and the person who had in fact, collected people and informed them that there is huge amount in the said company everyday. The starting point of the whole mission was because of the initiative taken by the applicant.

8 In these circumstances, the applicant does not deserve to be enlarged on bail. Hence, the application being sans merits stands rejected.

9 The observations are restricted to the application under section 439 of the Code of Criminal Procedure, 1973 and the same shall not be considered at the time of trial.

10 The application stands disposed of accordingly.

**(SMT. SADHANA S. JADHAV, J)**