

nsc.

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

CRIMINAL BAIL APPLICATION NO.803 OF 2017

Sambhaji Ramdas Bhosale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.R.S.Kadam, for the Applicant.

Mr.S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 10th JULY, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.40 of 2016 registered with the Khadak Police Station, Pune, for the alleged offences punishable under Sections 395, 120B of the Indian Penal Code and under Sections 3(i)(ii), 3(2) and 3(4) of the Maharashtra Control of Organized Crime Act (for short 'MCOCA').

3. Learned Counsel for the applicant states that the applicant has been falsely implicated in the aforesaid case. He submitted that the applicant has no antecedents. He submitted that although the applicant has been identified by one witness, the identification parade is riddled with several infirmities. He further submitted that the applicant has not been named in the FIR.

4. Learned APP opposed the application. Learned APP has filed an affidavit of Sharad Haribhau Ugale, Assistant Commissioner of Police, City Division, Pune City.

5. Perused the papers. The incident has taken place on the intervening night of 1st and 2nd February, 2016, at around midnight. According to the complainant – Sandip Kisan Dhembru, he is running a business by the name of ‘Tirupati Courier’ and that the said Courier Agency has offices at Pune, Mumbai, Kolhapur etc. The complainant has stated, that he received a call from his employee-Nilesh Jadhav, who disclosed to him, that Vitthal Jadhav, Mangesh Pawar and Haridas Sonawane, were

sleeping in the office, when at about 12.45 a.m. some persons entered the office and assaulted them and took away an amount of Rs.3,50,000/-. Pursuant to the information, Sandip Dhembre, lodged the aforesaid FIR, alleging the aforesaid offences.

6. The complaint was initially lodged as against unknown persons. (In the supplementary statement dated 4th February, 2016, the complainant has named some of the accused, as he suspected the involvement of his employees). As far as the applicant is concerned, although he has no antecedents, qua him, there is other material to show his complicity in the aforesaid offences. There is recovery of Rs.89,000/- odd at his instance. There is a confessional statement of co-accused – Kiran Pisal under Section 18(1) of the MCOC Act, which shows the complicity of the applicant. The applicant has been identified in the identification parade, which was held before the learned Sub-Divisional Officer and Resident Nayab Tahsildar, Pune on 11th March, 2016. Whether or not, the applicant was shown to the witnesses, is a matter which will be decided during the course of the trial. Apart from the aforesaid material, the CDR also shows that all the accused including the applicant were in touch with each other.

7. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

8. Hence, the Application for bail is rejected and disposed of as such.

9. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application and that the learned Judge shall decide the case on its own merits uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)