

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

CRIMINAL BAIL APPLICATION NO. 867 OF 2017

Nitesh Bhagwan Avhad

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Santosh R. Vishwakarma for the applicant.

Mr. Ashwinkumar Kapadnis, APP for the respondent-State.

HC D. N. Jadhav, Crime Branch Wagle Unit 5, Thane City present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3 JULY 2017

P.C. :

1. The applicant is seeking bail in connection with C.R. No.I-173 of 2016 registered with Wagle Estate Police Station, Thane. The offences were registered under sections 395, 397, 342, 506(2) of IPC read with 3, 25, 27 of the Arms Act.

2. The prosecution case is that on 28 June, 2016 in the office of Checkmate Services Private Limited dacoity was committed for an amount of Rs.5 Cores. The FIR was lodged by the employee of the said company. It is alleged that the applicant is one of the person amongst the other accused who committed the dacoity hence he was

arrested on 30th June, 2016.

3. The applicant preferred an application for anticipatory bail before the Sessions Court which was rejected vide order dated 30th November, 2016

4. Learned advocate for the applicant submitted that the investigation is completed and the chargesheet is filed. He submitted that the main accused who was the conspirator in the commission of crime, has been granted bail by the Sessions Court. Except recovery there is no evidence against the applicant. It is further submitted that on parity the applicant may be granted bail.

5. Learned APP submitted that the dacoity was committed by accused persons and they had looted an amount of Rs.5 Crores from the complainant & company. The applicant is identified by nine witnesses. He further submitted that there is recovery of 43,50,000/- at the instance of the applicant as well as the vehicle which is used in commission of crime.

6. Perused the documents on record, the applicant has played a major role in the crime. He is identified by several witnesses. There is recovery of huge amount from the applicant. There is no recovery

from the accused who have been granted bail. Considering the evidence against the applicant, although the chargesheet has been filed, no relief of bail can be granted.

7. Bail application No.867 of 2017 is hereby rejected.

[PRAKASH D. NAIK, J.]