

Anand

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

BAIL APPLICATION NO.1854 OF 2016

Sagar Kisan Kalbhor .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.A.U.Nikam i/b.Mr.A.Satpute, Advocate, for the
Applicant

Mr.S.S.Pednekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.46 of 2014 registered with the Wadgaon Nimbalkar Police Station, Pune(Rural), for the alleged offences punishable under Sections 395, 427, 397 of the Indian Penal Code, under Sections 3(1)(ii), 3(2), 3(4) of the M.C.O.C.Act and under Section r/w 25 of the Arms Act.

3. Learned counsel for the Applicant submits that the Applicant has been falsely implicated in the said case. He submits that although the Applicant has been identified by some of the witnesses, no role has been assigned to the Applicant.

4. Learned APP opposes the Application. He submits that the Applicant has been identified in the Identification Parade by four witnesses. He submits that the Applicant has two similar antecedents.

5. Perused the papers. According to the Complainant – Prashant Haribhau Dalvi, he and his friend – Rajkumar Bhalchandra Tupe had gone in his jeep, to the agricultural field, at Songaon Khatal Patta. He has stated that while returning home, when they reached near village – Tardoli at about 9.30 p.m., five unknown persons came and assaulted them and took away their cell

phones, Gold ornaments etc. valuing about Rs.91,500/-. He has stated that the five persons, were between the age groups 20-25 and that they were armed with weapons, like knife and sword. He has alleged that one of the accused placed the sword on his neck and asked him to handover his belongings. He has stated that thereafter, he was assaulted by the accused. It appears that thereafter, the another incident took place on the very same day at about 10.10 p.m., in which, the very same accused assaulted Manesh Shitole, Anil Shitole and Madhav Shitole and took away the articles which were on their person. Although, the complaint has been lodged as against unknown persons, the accused were identified in the Test Identification Parade which was held on 05.07.2014. The Complainant - Prashant Dalvi, Rajkumar Tupe, Madhav Shitole and one another person have identified the Applicant in the Test Identification Parade. There are two antecedents

as against the Applicant i.e. one lodged with the Jejuri Police Station, being C.R.No.41 of 2014 alleging offences punishable under Sections 395, 427 & 332 of the Indian Penal Code; and another offence registered with the Indapur Police Station, being C.R.No.81 of 2014 for the offence punishable under Section 395 of the Indian Penal Code. It also appears that there are CDR records which show that the Applicant was in continuous touch/contact with the other co-accused – Akshay Taware, Subhash Madane and Pranil Kakade. There is also a confessional statement of Subhash Madane, wherein, he has named the Applicant as being present at the time of the incident. It also appears that in the course of investigation, one metal and one silver bracelet were seized from the Applicant.

6. Prima facie, considering the material on record, this is not a fit case to enlarge the Applicant on bail. Accordingly, the Application

stands rejected. However, the trial is expedited.

(REVATI MOHITE DERE, J.)