

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATIN NO.2164 OF 2017

Ajit R.Kolhe vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Chetan S.Dumbre for the Applicant.

Mr. Prashant Jadhav, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 5th October, 2017.

P.C.

1. This is an application under Section 439 of the Cr.P.C. by the applicant, who is facing trial in Sessions Case No.73 of 2015 pending on the file of Sessions Court, Niphad for the offences punishable under Sections 394, 120B of the Indian Penal Code.

2. The case of the prosecution in brief is that on 5.5.2015 at about 11.15 a.m. the applicant along with other co-accused came on a motorcycle and stopped the rickshaw in which the complainant Ramdas Mahale, Manager of NDCC Bank, Andarsul Branch, Nashik and his assistant were carrying cash Rs.50.00 lakhs. It is alleged that the applicant and the other accused threw chilli powder in the eyes of the complainant and his assistant, assaulted them and snatched the bag containing cash Rs.50.00 lakhs and decamped with the same. The crime was registered in pursuance to the FIR lodged by Ramdas Mahale. The applicant was arrested on 24.5.2015, crime was investigated and upon completion of investigation charge sheet has been filed.

3. Mr. Damre, learned counsel for the applicant submitted that in the

present case five other accused persons have been released on bail. He submitted that the amount alleged to have been robbed by the applicant has been recovered by the police. That, as of today the investigation in the present crime is completed and there is no need to further detain the accused in the custody and therefore, he may be released on bail.

4. The record indicates that the role attributed to the applicant is that, he was driving the motor cycle on which accused No.1. Shaikh Tousif Shakeel was a pillion rider who snatched the money bag containing cash of Rs.50.00 lakhs from the Manager of the said bank who was travelling in an auto rickshaw. An amount of Rs.46,500/-has been recovered at the instance of the applicant and the said cash has been identified with the amount withdrawn by the first informant/Manager. It is to be noted here that after committing robbery out of the proceeds of crime which came to the share of the applicant, he had purchased a Tavera vehicle which has also been seized by the police. The learned APP submitted that the applicant was earlier involved in a crime under Section 380 read with 120B of the IPC and while on bail has committed the present crime. The material available on record prima facie clearly indicates the complicity of the applicant in the present serious offence.

5. In view thereof the applicant does not deserve to be released on bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)