

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 20 OF 2018***

Parasram @ Ram Baban Wagh	Applicant
Versus	
The State of Maharashtra	Respondent

Mr.Milind Deshmukh, for the applicant.
Mr.Y.M.Nakhwa,APP, for the State.

***CORAM : SMT. SADHANA S.JADHAV, J.
DATE : 21st February, 2018.***

P.C. :

1. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 22.3.2017 in Crime No.67 of 2017 registered at Borgaon Police Station, Dist. Satara, for the offences punishable under Sections 363, 395, 397 of the Indian Penal Code. The investigation is completed and charge-sheet is filed.
2. It is the case of the prosecution that on 16.3.2017 one Mr. Saintilraj Tever lodged a report at the police station alleging therein that on 15.3.2017, he was driving his truck No.TN-28-AB-4419 to Bhiwandi. At about 9 p.m., he was passing through Urmodi bridge. The said truck was

apprehended by six persons on two motor-cycles. The said motor-cyclists were insisting that the truck had given a dash to them and thereby stopped the truck. Four of them entered in the truck and assaulted him and his cleaner. One of them had taken Rs.48,500/- and three mobile phones from the informant and the substitute driver. The offence was registered against unknown persons. The first informant had categorically stated that in the eventuality that the accused persons are brought before him, he would be able to identify them.

3. On 22.3.2017, the present applicant along with co-accused was arrested. The investigation is completed and charge-sheet is filed against the accused for the offence punishable under Sections 395 and 397 of the Indian Penal Code.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated and that since no injury was caused to either the first informant or to any other person, no case under Section 397 of IPC is made out.

5. As against this, the learned APP submits that there was no reason for false implication as the first informant is original resident of the State of Tamil Nadu. Upon perusal of papers of investigation, it is clear that

the applicant was subjected to test identification parade and has been identified by the witnesses. Moreover, the applicant has criminal antecedents inasmuch as a similar offence is registered against the applicant at Kasegaon Police Station.

6. The case is committed to the Court of Sessions and registered as Sessions Case No.70 of 2017. The charge is framed against the accused persons on 12.9.2017. Hence, it can be said that the trial has commenced.

7. The learned counsel for the applicant submits that since the trial has commenced, further incarceration would be unwarranted and unjustified. Upon perusal of papers of investigation, this Court is of the opinion that the applicant does not deserve to be enlarged on bail as the trial has commenced. The possibility that the applicant may not make himself available at the trial cannot be ruled out. The liberty of an individual cannot override the peace, safety and tranquility of the society. Hence, the application being sans merits stands rejected.

(SMT. SADHANA S.JADHAV, J.)