

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

**BAIL APPLICATION NO.119 OF 2018**

Rahul Jagannath Satpute                      ....    Applicant  
      Vs.  
The State of Maharashtra                      ....    Respondent

Mr. Aniket U. Nikam i/by Aashish Satpute for the Applicant.  
Mr. Y.M. Nakhwa, APP for the State.

***Coram : Smt. Sadhana S. Jadhav, J.***  
***Date : 8<sup>th</sup> February, 2018***

P.C.:

1            Heard the learned counsel for the applicant and the learned APP. Perused the papers of investigation.

2            This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 12<sup>th</sup> July 2017 in Crime No.91 of 2017, registered at Ranjangaon Police Station for the offences punishable under Sections 363 and 395 Indian Penal Code.

3            It is the case of the prosecution that on 16<sup>th</sup> June 2017, Suresh Hiran Sonkamble lodged a report at the police station alleging therein that since 1½ years, he is working as a Driver with one Suraj Jalinder Mate on his Swift Desire Car bearing No. MH-17 AJ 6946. On 15<sup>th</sup> June, 2017, he had been to Chandan Nagar, Pune to drop the relatives of Suraj, i.e. his owner. On 15<sup>th</sup> June, 2017 at

about 8.15 pm., he had left Chandan Nagar, Pune to return to Shirdi. While he was on the way, four persons had requested him to give a lift as they wanted to go to Saradwadi. After proceeding further, they had called up some unknown person and had requested the complainant to adjust one more person as he wanted to go to Ranjangaon. At Ranjangaon, when they stopped in front of the unknown person, he was threatened by four persons as well as the person who was waiting. They assaulted him with knife. He sustained injuries on his hand. They asked him to alight from the car and had taken charge of the car and had returned towards Ranjangaon. They had taken cash of Rs.4,500/- from his pocket as well as the car. The applicant herein was arrested on 12<sup>th</sup> July 2017. In the course of the investigation, two knives were recovered at the instance of the applicant and Swift Desire car was found parked in front of the house of the applicant.

4            Learned counsel for the applicant submits that there is no memorandum under Section 27 of Evidence Act and therefore, the same cannot be said to be recovered at the instance of the present applicant. In any case, there is no plausible explanation as to why the stolen car, which was subject matter in Crime No.91 of 2017 was parked before the house of the applicant. The injury certificate of the complainant, Suresh Sonkamble shows that he had sustained two incise injuries on his index finger and thumb. He was examined on 17<sup>th</sup> June, 2017 at Rural Hospital, Shirur. Learned APP submits

that the applicant has criminal antecedents. The applicant is charge-sheeted for the offence punishable under Section 324 of Indian Penal Code.

5           As on today, the investigation is completed and charge-sheet is filed. It is only because the investigation is completed and charge-sheet is filed, this Court is inclined to grant bail to the present applicant.

6           However, the observations made hereinabove are restricted to the application under Section 439 Code of Criminal Procedure and shall not be taken into consideration for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order :

### **ORDER**

1           The application is allowed and stands disposed of.

2           The applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

3           The applicant shall not enter into Taluka Shirur till framing of charge and shall report to Ranjangaon police station on every Saturday, between 10.30 am. to 1.00 pm.

( Smt. Sadhana S. Jadhav, J)