

Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1131 OF 2018

Ketan Sadanant Tarmale ...Applicant.

vs.

The State of Maharashtra ...Respondent.

Mr. Pranil Sonawane for the applicant.

Mr. S.S. Hulke, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 28th June, 2018

P.C.

1. This is an Application under Section 439 of the Code of Criminal Procedure for bail in CR No. I-99 of 2017 dated 7th July, 2017 registered with Murbad Police Station, District Thane under Sections 396, 397 of the Indian Penal Code, now culminated into Sessions Case No. 351 of 2017.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the charge sheet.

3 It is the prosecution case that, the principal accused namely Santosh Bhoir along with other accused persons

including Applicant, committed robbery on Dhasai-Mhasa State Highway at about 2.30 p.m. of 7th July, 2017. That, when the first informant and deceased Pritam Marke were proceeding on motor cycle after collecting the amount from their dealers, it is alleged that the accused persons on two different motor cycles, waylaid them and the co-accused Shailesh Satpute assaulted the deceased with a wooden log on his head. After the deceased fell down, the accused persons robbed the bag from his person containing Rs.91,668/- and fled away from the scene of offence. During the course of investigation, the Applicant came to be arrested on 5th August, 2017 and after completion of the investigation, the police have submitted the charge sheet.

4. The record indicates that mobile phone of Samsung Company belonging to the deceased Pritam Marke is recovered at the instance of the applicant under Section 27 of the Evidence Act. The said mobile phone has been duly identified by the first informant. It is stated that the said mobile phone was given to the deceased Pritam Marke by the first informant in due course of his business. The

record further indicates that, the applicant after commission of the said crime has used the said handset by inserting his sim card and the IEMI number of the said hand set speaks for itself.

5. In view of the above, prima facie, it appears that there is sufficient material to show the complicity of the applicant in the present crime. The offence as alleged against the applicant is of robbery with murder on a highway.

6. In view of the above, the applicant does not deserve to be released on bail.

7. Application is accordingly rejected.

(A.S.GADKARI, J.)