

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1454 OF 2018

Bhima Hanumant Pawar, Age 35 years,
Occ.Nil, R/o.Gate No.10, Opp.Zopadpatti,
Wadi Bunder, P.D'mello Road, Dongri,
Mumbai. (presently lodged at Arthur Road Jail) Applicant
versus
The State of Maharashtra Respondent

Mr.Gautam Pyarelal for applicant.
Mr.Y.M.Nakhwa, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th September 2018

PC :

1. This is an application for bail in CR No.203 of 2017 registered with Dongri Police Station for offences under Sections 395, 397, 365 of Indian Penal Code and under Section 37(1)(a) r/w Section 135 of Bombay Police Act.

2. The prosecution case is that the complainant is a fisherman by profession and residing at opposite Sasoon Dock, Colaba. He was at sea for the purpose of earning and got down at Bhaucha Dhakka on the date of incident. While he was searching for a cab near Wadi Bundar, three unknown persons arrived and blocked his way. One person tried to snatch his bag, while another person asked him as to whether he has narcotics and when he replied in negative, the third person pulled out a knife and threatened him to part with money. Thereafter co-accused came with a taxi with a person sitting in the

front. The person sitting in the front opened the door and pushed the complainant inside the taxi after assaulting him with fist and kick blows. After some distance, the taxi stopped and all of them robbed the complainant of Rs.10,000/- and also PAN card and left him on P.D.Mello Road. The complainant lodged FIR with Dongri Police Station on 11th September 2017. The statements of eye witnesses were recorded subsequently. The investigation is complete and charge sheet is filed.

3. Learned counsel for applicant submits that the complainant did not identify the applicant as there was no test identification parade. It is submitted that the statements of alleged eye witnesses are identical. It is submitted that the applicant was not armed with any weapon. He is in custody from 12th September 2017. It is further submitted that he has been falsely implicated in this case. Further detention of the applicant is not necessary.

4. Learned APP submitted that the complainant was at the sea for a long period of time and thus he was not available for test identification parade. However, there are three eye witnesses to the incident and one of them had identified the applicant in the test identification parade. It is submitted that there are about seven similar cases pending against the applicant. It is further submitted that charge has been framed and witness summons has been issued. On instructions, learned APP further submits that the prosecution intends to examine about ten witnesses approximately.

5. It is noted that there are eye witnesses to the incident. It is true that the complainant had not identified the applicant, however,

in the FIR, the complainant has noted the names of persons who had robbed him, which were noted by the complainant during the conversation of the accused. It is also pertinent to note that there are seven similar cases pending against the applicant. The charge has been framed and summons to the witnesses are also issued by the Trial Court. In the circumstances, considering the facts as well as summonses issued to the witnesses and as prosecution intends to examine ten witnesses, the trial can be expedited. However, no case for grant of bail is made out.

6. Accordingly, Criminal Bail Application No.1454 of 2018 is rejected. The Trial Court is directed to make an endeavour to conclude the trial as expeditiously as possible and within six months from the date of receipt of a copy of this order.

(PRAKASH D. NAIK, J.)

MST