

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

CRIMINAL BAIL APPLICATION NO. 1700 OF 2018

Ramchandra Matasaran Yadav	... Applicant
Vs.	
State of Maharashtra	... Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 1668 OF 2018

Usman Hakimmullah Ansari	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Satyarat Joshi for the applicant in B.A. No. 1700 of 2018.

Mr. Dilip Mishra I/by Ayaz Khan for the applicant in B.A. No.1668 of 2018.

Mr. Arfan Sait, APP for the Respondent-State.

Mr. Vikas Bhingardive, PSI, Kalyan Railway Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 11th SEPTEMBER, 2018.**

P.C.

1. These are applications for bail in connection with C.R. No. 1271 of 2017 registered with Kalyan Railway Police Station.
2. The prosecution case is that on the complaint of one Rahul Radeshm Vishwakarma alleging that on 25th September, 2017, he was scheduled to travel from Kalyan to Banaras at about 12.05 p.m. Accused applicants approached complainant and asked as to where he is going. Complainant replied that he is going to

Banaras. It is further alleged that co accused told him he was travelling to Banaras and started conversation in vernacular language to complainant. The complainant was taken to Bus Stand and thereafter on the bridge of the platform No.4 and at that time one of them was drinking fruity bottle to the complainant and he insisted to drink fruity. The complainant consumed the same and thereafter he felt dizziness. He managed to board the train and after substantial time, he realised that he was robbed of his belongings. Thereafter First Information Report was lodged.

3. During the course of investigation, the statement of the complainant and the other witnesses were recorded. Police also collected CCTV footage of the scene of offence. According to the prosecution, CCTV footage shows applicants having communication with the complainant, purchasing fruity and carrying the bag / belonging to the complainant. It is also case of the prosecution that Identification Parade was conducted. Applicants were identified.

4. Learned advocate for the applicants submitted that applicants are falsely implicated in the crime. It is submitted that incident occurred on 25th September, 2017 whereas the First

Information Report was registered on 7th October, 2017. Applicants were arrested on 8th October, 2017. It is submitted that both the accused were shown to the complainant at the Police Station and thereafter Identification Parade was conducted. It is submitted that such parade has no legal sanctity. It is further submitted that there is no medical evidence on record to show that the complainant has consumed some soft drink containing any substance which was allegedly administered to him at the instance of the accused. It is submitted that CCTV footage relied by the prosecution does not form part of the chargesheet. It is further submitted that there is no evidence to show that the applicants are same person who are shown in the CCTV footage. In addition to this, the advocate for applicant in Bail Application No. 1668 of 2018 submitted that the said applicant was granted bail by the trial Court under Section 167(2) of Code of Criminal Procedure which was subsequently cancelled and he was taken into custody.

5. On the contrary, learned APP submits that applicants involvement in the said crime is clearly indicated by way of CCTV footage which shows that the applicants and the victim were seen together and they were chit chatting with each other.

6. I have perused the chargesheet which is on record. I have

also gone through the print of CCTV footage produced by the learned APP. On perusal of the said document, it is apparent that the accused had allegedly approached the victim. It is also noticed that while leaving they were carrying two bags. CCTV footage also disclosed that victim is seen in inebriated condition on account of consumption of Fruity. Apart from that there is recovery at the instance of the applicants. It is true that they were shown to the complainant at the police station and subsequently identification parade was conducted. However, the document regarding the said CCTV footage was verified and the persons found in the CCTV footage were identified to be same persons who were identified during the identification parade conducted by the police. During personal search accused was found in possession of some tablet, Mango, fruity bottle, biscuit sleeping piles etc.

7. Taking into consideration the nature of evidence collected during the course of investigation, I do not find that the applicants have made out case for grant of bail. In the result, the applications for bail stand rejected.

8. At this stage, learned advocate for the applicants submits that they are in custody since 8th October, 2017 and hence trial may be expedited. Considering the above, the trial Court is

directed to make an endeavour to conduct the trial expeditiously and as far as possible within a period of six months from the date of receipt of the order.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.09.19
09:50:32 +0530