

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1904 OF 2017**

Rajya @ Raju Aakash Kale. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

Mr. Rupesh Atul Zade, advocate for applicant.

Mr. Vinod Chate, APP for State.

CORAM : SMT. SADHANA S. JADHAV, JJ.

DATE : JUNE 15, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 439 of the Code of Criminal Procedure, 1908. The applicants herein is arrested on 25/7/2016 in C.R. No. 249 of 2016 registered at Karmala Police Station for offence punishable under section 395 and 397 of the Indian Penal Code.

3 It is the case of the prosecution that on 13/6/2016 Rani Jagdale lodged a report at the police station alleging therein that in the intervening night of 12th and 13th June, 2016 one unknown person had

Talwalkar

entered into their house and was assaulting her husband with stick. He had also assaulted her in-laws. Said person had demanded keys of the cupboard from the complainant. Under threat, she had parted with the keys. He had taken her ornaments from her person such as Mangalsutra and other ornaments. Thereafter, he had left the house after latching the house from outside. On the basis of the said report, an offence is registered against unknown person. One of the accused namely, Anil Sambhaji Kale was arrested on 1/9/2016. In the memorandum statement, he had disclosed the name of the present applicant as the person who was in possession of the jewellery, which they had stolen on that day.

4 Ramdas Appa Jagdale was admitted in the hospital with multiple injuries and abrasions all over body. All the members of the family were assaulted. Papers of investigation show that there is recovery of stolen jewellery from the custody of the present applicant. That the applicant was then arrested.

5 Learned Counsel for the applicant submits that the accused has not been identified at the test identification parade. It is pertinent to note that the incident is of 12/6/2016. The accused was arrested on 25/7/2016 and thereafter, test identification parade was conducted. The

report from the police department shows that the present applicant was put in lock up and on 11/12/2016 the applicant herein had attempted to flee from the custody of the police. Hence, Crime No. 630/16 is registered against the applicant. The applicant has criminal antecedents.

6 The safety, security and the peace of the society would have to be considered as against the liberty of the applicant who has criminal antecedents. Hence, the application being sans merits stands rejected. The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]