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

CRIMINAL BAIL APPLICATION NO.2277 OF 2017

Pandurang Krushna Chavan

...Applicant

Versus

State of Maharashtra

...Respondent

Ms.Mayuri Hatle, for the Applicant.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

HC/1177 – D.G.Jadhav, Crime Branch, Wagle Unit-5, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th MARCH, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-173 of 2016 registered with the Wagle Estate Police Station, Thane, for the alleged offences punishable under Sections 395, 397, 342, 506(2), 120(B) and 201 of the Indian Penal Code; under Sections 3, 25 and 27 of the Arms Act and under Sections 37(1) r/w 135 of the Maharashtra Police Act.

3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. She submitted that the case against the applicant has been fabricated by the prosecution. She submitted that the role of the applicant is similar to that of co-accused – Yogesh Kundlik @Pundlik Chavan, who has been enlarged on bail by the Sessions Court. She submitted that the CDR also does not support the prosecution case and that the statements of Mahesh Satre and Suresh Raibole are doubtful, inasmuch as, both could not have been with Akash Chavan at one and the same time. She submitted that initially 4 accused are stated to have entered the premises and subsequently the number has gone up from 4 to 14.

4. Learned APP opposed the application. She submitted that the applicant has been identified by Sameer Chavan and that the statement of Adesh Gorivale, points out to the conspiracy hatched by the applicant and others.

5. Perused the charge-sheet. The incident took place in the intervening night of 27th June, 2016 and 28th June, 2016. According to Sunil

Rathod, an employee of Checkmate Services Private Limited, the incident took place in the office of the Checkmate Services Private Limited, where the accused committed dacoity of about Rs.5 crores. According to Sunil Rathod, 7 unknown persons entered the premises with revolver, knife and sword and started threatening the employees of the company and thereafter committed dacoity. As far as the applicant is concerned, there is no parity with co-accused – Yogesh, inasmuch as, Yogesh has not been identified in the identification parade by any of the witnesses. As far as the applicant is concerned, he has been identified by Sameer Chavan. The statement of Adesh Gorivale also shows the complicity of the applicant, inasmuch as, he had heard the conversation that took place amongst the accused, that they were going to commit dacoity in the Checkmate Services Private Limited. The said witness has specifically named the applicant, as one of the person being present when conspiracy was hatched. The statement of Mahesh Satre and Suresh Raibole also shows the complicity of the applicant.

6. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

7. Accordingly, the application for bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)