

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2410 OF 2017***

Anis Sagir Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Raju D. Suryawanshi, for the applicant.

Mr.S.H.Yadav,APP, for the State.

Mr. Manoj yadav, PI, Chakan Police Station, Pune (Rural) present.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 17th January, 2018.

P.C. :

1. Heard. This is an application under Section 439 of Cr.P.C. The applicant herein is arrested on 27.3.2016 in C.R. No.40 of 2015 registered at Wadhivarhe Police Station for the offences punishable under Sections 395, 342, 170, 120B of the Indian Penal Code and under Section 37(1), 135 of Maharashtra police Act. The investigation is completed and charge-sheet is filed.

2. It is the case of the prosecution that on 24.4.2015, one Samir Pinjari who was working with Sequel Logistic Company lodged a report at the police station alleging therein that on 23.4.2015, at the instance of his

owner Ravi, he was transporting the said gold to Shirpur Gold Refinery at Dhule. he was accompanied by one gunman and two others. On 24.4.2015, at about 3 a.m., when his car was passing through Nashik i.e. Wadivarhe post, the car was intercepted by one Logan car which was having a red light. The car of the first informant was intercepted. The inmates of the said car had alighted and informed the first informant that they happen to be the police personnel and that they have stolen the goods. Soon thereafter all the five persons who had come in Logan Car had threatened the first informant with a revolver and had taken away the goods. The stolen good were worth Rs.15,69,06,000/-

3. In the course of investigation, the present applicant was arrested. The applicant was subjected to test identification parade wherein he has been identified by the driver as well as the person who was accompanying the driver. There is cogent and convincing material to indicate that the present applicant was involved in the said offence. Ten gold biscuits of one kg. gold worth Rs.12,50,000/- has been recovered at the instance of the co-accused Jishan who had then purchased a Row House at Ayesha Colony Haridwar, Uttarakhand.

4. The learned counsel for the applicant submits that there is no

recovery at the instance of the present applicant. There is no question of distinguishing the role of the present applicant from the role of the co-accused. The fact that he has been identified by the first informant and the other witnesses and the person who had alighted from the Logan car at the time of incident and had taken charge of the goods is sufficient to deny bail. Hence, the applicant does not deserve to be enlarged on bail. The application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)