

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

CRIMINAL BAIL APPLICATION NO. 1078 OF 2019

Lakhan Popat Bhosle

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Vaibhav R. Gaikwad, Advocate for the Applicant.
- Mr. Rajan Salvi, APP for the State.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th JULY, 2019

P.C. :

1. The applicant is seeking bail in connection with CR No. 191/18 registered at Vaduj Police Station under Section 395 of IPC on 7th June 2018.

2. The FIR in this case is lodged by the victim Charudatt Sasvade. He had stated that on 2nd June 2018 one unknown person approached him when he was standing near Rajwada at Satara. That person represented to him that he was selling gold at a lower price and if the informant was interested, he could sell him his gold. That person had given his mobile number to the informant. The informant had rupees Two Lakhs. Therefore, he again

contacted that person. The telephone was answered by that person's wife. He got to know that her name was Renuka Patole and her husband's name was Mahadev Patole. Discussion was going on and ultimately it was decided that the informant would pay Rs. 2 lakhs for the gold.

3. On 7th June, 2018 the first informant was to meet Renuka and Mahadev at Vaduj. When he was going there, he received a phone call that they were waiting at Kuroli road near a bridge. When the informant went there carrying cash, at around 3.30 p.m. suddenly 7-8 persons encircled him and removed his money forcefully. They were carrying swords and knives. He was assaulted with wooden stick and at the point of knife, the amount of Rs. Two lakhs, his wallet containing Rs. 2,000/- and his mobile hand set were removed. After that they went away, the informant raised shouts. The police on patrolling duty rescued him and took him to police station where he lodged FIR. During the investigation the applicant was arrested on 3rd August 2018 and since then he is in custody.

4. Heard, Mr. Vaibhav Gaikwad, learned counsel for the

applicant and Mr. Rajan Salvi, learned APP for the State.

5. Learned counsel for the applicant submitted that the main accused Renuka and Mahadev are granted bail by this court vide order dated 18th January 2019 passed in criminal bail application no. 2943/18. He submitted that there is absolutely no material against the present applicant in the entire chargesheet.

6. Learned APP submitted that the offence is serious and therefore he should not be released on bail.

7. With the assistance of both the learned counsel, I have gone through the entire charge-sheet. The charge-sheet does not contain any test identification parade memo or any statement showing recovery at the instance of the present applicant. Thus, practically there is no evidence against the present applicant. Therefore, bail cannot be denied to him during the pendency of the trial. Hence, the order:-

ORDER

(I) Applicant is directed to be released on bail in connection with C.R. No. 191/18 registered at Vaduj Police Station, on his furnishing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the

like amount.

(ii) The application is disposed off accordingly.

(SARANG V. KOTWAL, J.)