

CRIMINAL BAIL APPLICATION NO. 1768 OF 2019

...Applicant/
Original Accused No.3

 V/s

...Respondent

CRIMINAL BAIL APPLICATION NO. 2301 OF 2019

...Applicant

 V/s

...Respondent

Mr. Rajaram Bansode for Applicant in BA No. 1768 of 2019.
Mr. Rupesh A. Zade for Applicant in BA No. 2301 of 2019.
Mr. H. J. Dedhia APP for the State/Respondent.

CORAM : PRAKASH D. NAIK, J.
DATE : 14th November 2019

PC :

1. Both these application for bail are in connection with C.R. No. 48 of 2019 registered with Natepute Police Station, Solapur gramin for offences punishable under Sections 387, 395, 397, 120B of Indian Penal Code, 1860 (for short 'IPC') and Sections 3, 25 and 4 of Arms Act, 1959.

2. The First Information Report (FIR) was lodged by Rajesh Nandkumar Dobhada. It is alleged that the accused had entered into the premises of the complainant. The complainant and others were assaulted. One of them was armed with weapon. The gold ornaments and cash was taken away. During the course of investigation, several persons were arrested. On completion of the investigation, charge-sheet is filed.

3. Learned counsel for the applicant in Bail Application No. 1768 of 2019 submitted that, the applicant is in custody from 10th February, 2019. He is the student. It is further submitted that, there is a discrepancy in the recovery conducted by the police. Although, it is the case of the prosecution that, one of the ornament was taken away by the the co-accused, the recovery statement indicates that the same was also recovered from the applicant. Four persons were granted bail by the Sessions Court, he relied upon the order passed by the Sessions Court granting bail to Somnath Gaikwad and Rohit Adkite. It is submitted that, the recovery was made from the open place. Considering the circumstances, bail may be granted to the applicant.

4. Learned counsel for the applicant in Bail Application No. 2301 of 2019 submitted that, there is no evidence against the said applicant participating in the crime. The applicant is admittedly not present while committing the alleged crime. The role attributed to him is that, he was a driver of the vehicle, as his vehicle was hired.

5. The learned APP submitted that, there is a strong evidence against the applicant Sanket Sunil Jadhav. He has been identified during the course of investigation by the eye witnesses. There is a recovery of gold ornaments from the said applicant. There is also recovery of weapon from him. As far as the other applicant is concerned, it is submitted that, he has provided assistance to the co-accused who had committed the alleged crime.

6. On perusal of the documents on record, it is apparent that, the accused were involved in commission of the robbery. The complainant and other witnesses were threatened and assaulted and accused took away the cash and gold ornaments. After the arrest of the applicant-Sanket Jadhav, he was put up for identification parade and he has been identified as one of the person who has

participated in the crime. There is a recovery of gold ornaments and the weapon from him. The co-accused were granted bail on the ground that there is no incriminating recovery from the said accused. The case of the applicant Sanket Jadhav can be distinguished from others. However, as far as the applicant Pravin Sonawane is concerned, there is no evidence that he was present at the scene of offence. He has not participated in actual incident of robbery. It is alleged that there is evidence of CDR to show conversation between him and other accused. It is alleged that he was called by other accused and they traveled in the Vesta car (Taxi). There is no recovery of incriminating articles from him. Considering the nature of evidence against him, bail can be granted to Pravin Sonawane.

ORDER

- (i) Bail Application No. 1768 of 2019, stands rejected;
- (ii) Bail Application No. 2301 of 2019 is allowed. The applicant Pravin Sonawane is directed to be released on bail in connection with C.R. No. 48 of 2019, registered with Natepute Police Station, Solapur Gramin, on his furnishing P.R. Bond in the sum of

Rs.25,000/-, with one or more sureties in the like amount;

(iii) The applicant- Pravin Sonawane shall report the concerned Police Station, once in a month on first Saturday of every month between 10:00 a.m. to 2:00 p.m. till further order;

(v) Bail Applications stand disposed of accordingly.

(PRAKASH D. NAIK, J.)