

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

CRIMINAL BAIL APPLICATION NO. 239 OF 2019

Akash Vijaykumar Singh

...Applicant

Vs.

State of Maharashtra

...Respondent

- Mr. Shirodkar Ateed, Advocate for the Applicant.
- Mr. Prashant Jadhav, APP for the State.
- Mr. Sunil R. Dahiphale, PI, Chakan Police Station, Pimpri Chinchwad Police Commissionrate.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th AUGUST, 2019

P.C. :

1. The applicant is seeking his release on bail in connection with CR No. 648/18 registered at Chakan Police Station, Tal. Khed, Dist. Pune for the offences punishable under Sections 395, 374 and 120B of the IPC.

2. The FIR is lodged on 18th July 2018 by one Bhagwat Dahe. He was a driver with a transport company at Gurugram. On 16th July 2018, his truck was loaded with cigarette boxes of I.T.C. company, which were to be delivered to Bangalore. He

started from MIDC Ranjangaon at 5.00 p.m. While he came near Rase Gaon Essar Petrol Pump, he was over taken by a Scorpio car. His truck was intercepted. About six to seven persons alighted from the Scorpio car. They claimed that his truck had collided with their car. He was over powered. He was forcefully made to sit in the Scorpio car. He was blindfolded. His hands were tied. He was taken at some distance, then he was allowed to go. He saw that he was at Nehroli Phata, Dist. Palghar. However, the truck was taken away. The truck was containing Bristol cigarettes worth Rupees more than eight crores. His mobile phone was also taken away. Based on these allegations, the FIR was lodged.

3. The investigation was carried out. The applicant was arrested on 5th September 2018 and since then he is in custody. Investigation is over and the charge-sheet is already filed.

4. Heard, Mr. Ateet Shirodkar, learned counsel for the applicant and Mr. Prashant Jadha1v, learned APP for the State.

5. Learned counsel for the applicant submitted that in the entire charge-sheet there is absolutely no material against the present applicant. His application was rejected by the sessions

court on the ground that the test identification parade was to be conducted. However, subsequently, the test identification parade was conducted and the applicant was not identified by the first informant. He, therefore, submitted that the applicant deserves to be released on bail.

6. Learned APP could not dispute this factual position.

7. I have considered these submissions. Though the offence is serious, there is absolutely no incriminating circumstance against the present applicant. The chargesheet is already filed. The applicant is not identified as one of the persons, who had committed the offence. There is no recovery at his instance. Therefore, there is no justification for keeping the applicant in custody at all.

8. In this view of the matter, I am inclined to grant bail to the applicant. Hence, the following order:-

ORDER

(I) The Applicant is directed to be released on bail in connection with C.R. No.648/18 registered at Chakan Police Station, Tal. Khed, Dist. Pune, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)