

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

CRIMINAL BAIL APPLICATION NO.343 OF 2019

Sagar Ramchandra Khatal	 Applicant
versus	
The State of Maharashtra	 Respondent

.....

- Mr.Priyal Sarada, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- API Ganesh Patil, Pimpri Chinchwad Police Station, Pune, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th JULY, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.304/18 registered with Nigadi Police Station, Pune, under sections 109, 395, 397, 120-B r/w 34 of the Indian Penal Code, under section 4(25) of the Indian Arms Act and under section 37(1) and 135 of the Maharashtra Police Act.
2. The FIR is lodged on 03/05/2018 by one Mahesh Ramchandra Patane. He was working with Checkmate Services as Custodian. One Dattatray Ingavale was his colleague. They

had a driver named Bhausahab Chakale and a security guard named Amol Rathod. Their job was to collect cash from the offices of finance companies LIC, etc. and deposit that cash in the ICICI Bank. On 03/05/2018 at around 09.30 a.m., they had gone to collect the cash. At that time, the Security Guard was not with them. They had collected cash from a few offices of finance companies and branches of LIC and they had reached Nigdi at around 01.35 p.m. The informant had Rs.22,51,053/- in his bag. One person came near him and threatened him with a knife. He demanded that the informant should handover the bag. When the first informant refused, he was assaulted with a knife on his hands and palm. The assailant forcibly took away that bag and ran away. At some distance on a black colour Pulsor motorcycle, there was one more person already sitting on it. The person who had snatched the bag from the first informant sat on that motorcycle. There was one more two wheeler Moped. Two more persons sat on it and all of them went away from there. In all Rs.25,61,185/- were taken away by the offenders. On these allegations, the FIR was lodged.

3. The investigation was carried out. Charge-sheet is filed. The Applicant was arrested on 11/05/2018. During the course of investigation, the amount of Rs.2,52,000/- was recovered at the instance of the present Applicant from his house. The Moped vehicle was also seized.
4. There is another circumstance of Test Identification Parade held in respect of the present Applicant. The parade was held on 07/06/2018. The first informant had identified this Applicant. The supplementary statement of the first informant shows that he had identified the Applicant as the person who was driving the Moped.
5. Heard learned Counsel Mr.Priyal Sarda for the Applicant and learned APP Ms.S.S. Kaushik for the State.
6. Learned Counsel for the Applicant Mr.Priyal Sarda submitted that the Applicant is a young man of 21 years age. He

is in custody since 11/05/2018. The co-accused Puja Chavan from whom around Rs.55,000/- were recovered is already granted bail. He further submitted that even from the allegations in the FIR and the identification of the informant at the Test Identification Parade, no role is ascribed to the present Applicant and therefore the Applicant deserves to be released on bail.

7. Learned APP opposes these submissions and made her own submissions. According to her, the offence is serious and there is ample material against the present Applicant.
8. There are two important circumstances against the present Applicant. First is the identification in the Test Identification Parade. The first informant has identified him and has described his role as the person who was sitting on the Moped. According to the first informant, four persons had come together on the spot. One of them had actually snatched the bag and had assaulted the first informant. The others were part of

the incident and were helping the main accused. The entire incident was a result of the conspiracy hatched by the main accused Rahul Waghmare, who was earlier working with the informant's company and who was removed from his job. Therefore he was aware of the working of the company and he was aware as to when such amounts were collected and carried by the employees.

9. The other circumstance of recovery of the amount is also important. The amount recovered was nearly more than Rs.2,50,000/- which is a large amount. The Applicant has not offered any acceptable explanation. At this stage, considering this aspect there is sufficient material against the present Applicant. The investigation is over, but considering the seriousness of the offence, I am not inclined to grant bail to the present Applicant. The application is rejected.

(SARANG V. KOTWAL, J.)