

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

CRIMINAL BAIL APPLICATION NO. 372 OF 2019

Vaibhav Bharat Mane ... Applicant

Versus

State of Maharashtra ... Respondent

Mr. Nilesh Tribhuvan a/w Ms. Darshana Naval I/by Pranav Avhad for Applicant.

Ms. Rutuja Ambekar, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 8, 2019.

P.C. :

. The Applicant is seeking regular bail in Crime No. 228 of 2016 for an offence punishable under Sections 395, 386, 341, 323, 504, 506(2) of Indian Penal Code. After having arrested on 29th November 2016 the Applicant came to be chargesheeted.

2. The submissions are, in all the earlier cases the Applicant is already acquitted. Having already undergone the imprisonment of more than 2 ½ years and considering the maximum punishment the Applicant is entitled to be released on bail.

3. It is further contended that necessary ingredients of Section 395 of IPC are not satisfied, as from the statement of the witness it could be ascertained that accomplices of the Applicant were standing at the distant place. It is claimed that CCTV footage does not disclose use of weapon.

4. *Per contra*, the learned APP submits that there is strong material available against the Applicant. The fact remains that against the Applicant already there are six similar type of offences in which he was acquitted. The Applicant holds substantial influence in the vicinity. In the aforesaid criminal background, Applicant has committed decoity. Use of weapon along with co-accused, extraction of money would be inferred from the statement of complainant, eye-witness Bhavesh Dhoka and independent witness Vijay Tilewale.

5. Apart from above, earlier Bail Application of the Applicant was already rejected by this Court.

6. The claim that other co-accused are already released cannot be considered in the interest for inferring change in circumstances.

7. As such, the Criminal Bail Application stands rejected.
8. Hearing of the trial is expedited. Observations are restricted to the extent of prayer clause – (a).

(NITIN W. SAMBRE, J.)