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

CRIMINAL BAIL APPLICATION NO.519 OF 2019

Shrikant Pandit Chavan Applicant

Versus

The State of Maharashtra & Anr. Respondents

Ms. Rekha Musale i/by Mohan N. Devkule for the Applicant.

Mr. S.S. Hulke A.P.P for the Respondent - State.
API – Jitendra Patil, Andheri Police Station, Mumbai.

CORAM : REVATI MOHITE DERE, J.

DATE : 25th SEPTEMBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R. No.349 of 2018 registered with the Andheri Police Station, Mumbai, for the alleged offences punishable under Sections 394, 365, 504, 506, 34 of the Indian Penal Code.

3. According to the complainant, the incident took place in the intervening night of 12th July, 2018 and 13th July, 2018. According to the complainant, at around 12.10 am., he had taken his Ertiga car for picking up an Ola passenger, from the Airport; that after dropping the passenger at about 2.00 am., at Bandra, he parked his car near the Western express highway and slept in the car; that at about 3.30 am., one unknown person knocked the door and when he opened the door, an unknown person threw chilly powder in his eyes and pushed him inside the car; that three other persons opened the door of the car and sat in the said car; that he was assaulted by the said persons by fists and kick blows; that one of the persons tried to threaten him; and that the applicant took the car towards Andheri (West), from where he was thrown from the car and the applicant sped from the spot. Pursuant thereto, the aforesaid complaint was lodged.

4. It appears that the applicant was arrested in connection with another C.R., in which the complainant's Ertiga

car was recovered at the instance of the applicant and co-accused, Jadhav. In the said car, the Police found gas cylinders, gas cutters, 11 stolen mobile handsets. Pursuant thereto, the applicant was arrested in the present C.R. on 2nd October, 2018. On 2nd November, 2018, identification parade was held, in which the complainant has identified the applicant.

5. Although, learned counsel for the applicant submits that the identification parade has not been held in accordance with the Criminal Manual, the fact remains that the applicant has been identified in the identification parade. It also appears that whilst on bail, the applicant has committed the present offence. The possibility of the applicant again committing the same offence cannot be ruled out nor can the possibility of the applicant tampering with the evidence be ruled out.

6. Considering the aforesaid, the application is rejected.

7. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its

own merits, in accordance with law, uninfluenced by the observations made in this order.

8. The trial of the applicant is however expedited.
9. The application is disposed of.

REVATI MOHITE DERE, J.