

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

Cri. BAIL APPLICATION NO. 540 OF 2019

Vishal Ashok Kumar Tanwani ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Ms. Rushita Jain, Advocate i/by Abhishek Mishra for the Applicant.

Mr. Prashant Jadhav, APP for the State.

(Mr. Gharge, API, Kurar Police Station, is present.)

CORAM : PRAKASH D. NAIK, J.

DATE : MARCH 07, 2019.

PC :

1 This is an application for bail. The applicant is arrested in C.R. No. 211 of 2018 registered with Kurar Police Station, Mumbai, for the offences under sections 395 r/w. 34 of Indian Penal Code.

2 The case of the prosecution is that the complainant was carrying cash of Rs. 15/- lakhs in his car. Thereafter, the complainant traveled by a Riksha and the accused, who were riding on motorcycle, intercepted the Riksha and tried to distract the complainant and took away cash of Rs. 15/- lakhs. FIR was registered against unknown persons. The applicant was, however, arrested in the case registered as C.R. No. 231 of 2018 with the same police station for the offence under

sections 399 and 402 of the Indian Penal Code. Apparently, during the course of investigation under the said FIR, involvement of the applicant in commission of offence, in present case, was disclosed and FIR, registered as C.R. No. 211/2018, was lodged against the present applicant. The amount of Rs. 15,00,000/- has been recovered from applicant-accused.

3 Learned counsel for the applicant submitted that the applicant has not been identified in the present case except recovery of the said amount and that there is no evidence against the applicant-accused.

4 Learned APP, however, points out that there are four accused including the present applicant against whom, crime is registered for similar offence. The applicant is the habitual offender. Though the present applicant is on bail in the other case, but it is pertinent to note that amount of Rs. 15/- lakhs had been recovered from the applicant-accused. In the circumstances, no case of grant of bail is made out.

5 The application is rejected.

6 In the event, trial is not concluded within one year, applicant will be at liberty to apply afresh for bail.

(PRAKASH D. NAIK, J.)