

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.779 OF 2019

Siddhu @ Siddharth Ramesh Janmejai	Applicant
versus	
The Superintendent of Police, Pune and another	Respondents

Mr.Mahendra N. Sandhyanshiv for applicant.
Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 5th December 2019

PC :

1. This is an application for bail in CR No.648 of 2018 registered with Chakan Police Station, Chakan, District Pune for offences under Sections 395, 341, 120-B of Indian Penal Code.

2. The prosecution case is that the truck loaded with cigarette boxes of ITC Company were to be delivered at Bangalore from MIDC Ranjangaon. The driver of the vehicle proceeded with the truck and when it reached Rasegaon Essar Petrol Pump, the truck was overtaken by a Scorpio Jeep. The truck was intercepted. About 6 to 7 persons alighted from the jeep. They claimed that the truck had collided with them. The driver was overpowered. He was forcefully made to sit in the jeep. He was blindfolded. He was taken to some distance and was allowed to go. The truck was taken away. The truck was containing Bristol make cigarettes worth Rs.8 crores. The mobile phone of the driver was also taken away. Investigation was carried out. The applicant was arrested in CR No.52 of 2016 registered with Narayangaon Police Station. He was shown to be the accused in the present case. The present FIR was registered against unknown persons. During the course of investigation of CR No.52 of

2016 the cigarettes were recovered allegedly at the instance of applicant. The panchanama of seizure is a part of CR No.52 of 2016. Apparently the same panchanama forms part of present charge sheet.

3. Learned advocate for applicant submitted that the applicant has been falsely implicated in this case. The FIR was lodged against unknown persons. On account of his arrest in other case viz CR No.52 of 2016 he was shown to be an accused in present case, which is fortified by the fact that the applicant has not been identified by the witnesses in the present case. It is further submitted that assuming that recovery pertains to present case, since the applicant has not been identified as the person who was involved in commission of dacoity, at the most he can be prosecuted for the offence of receiver of stolen property.

4. Learned APP submitted that the applicant is habitual offender. Several cases are registered against him. The seizure of cigarettes which is part of recovery panchanama forms part of charge sheet filed in CR No.52 of 2016 as well as charge sheet in present case. It is, therefore, submitted that the applicant may not be granted bail. It is also submitted that cash amount was recovered from the father of applicant, which is allegedly given to him by the co-accused.

5. I have perused the charge sheet. Undisputedly the applicant has not been identified by the witnesses. Thus there is no evidence that the applicant was instrumental in committing dacoity. The recovery forms part of charge sheet in both the cases. Learned advocate for applicant had also submitted that in most of the cases referred to by learned APP, the applicant has either been acquitted or

the applicant has been granted bail in those cases. In the case registered with Thane Nagar Police Station, Central Police Station, Kalyan Taluka Police Station, Padgha Police Station and Sangamner Police Station, the applicant has been tried and has been acquitted. The case registered with Kalvla Police Station was tried and subsequently applicant was released on the basis of sentence undergone by him. In all other cases he is on bail.

6. Taking into consideration the fact that the co-accused has been granted bail and that the applicant has not been identified by the witnesses, bail can be granted to applicant on certain terms and conditions. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.779 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.648 of 2018 registered with Chakan Police Station, Chakan, District Pune, the applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Chakan Police Station once in a month on every first Saturday between 10 am and 12 noon till conclusion of trial;
- (iv) The applicant shall not tamper with evidence and shall attend Trial Court proceedings regularly unless exempted by Trial Court for some reason.

(PRAKASH D. NAIK, J.)