

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

BAIL APPLICATION NO.822 OF 2019

Tabarak Jafarali Shaikh & Ors.

...Applicants

Vs.

State of Maharashtra

...Respondent

**Mr. Ganesh Gole I/b. Ateet Shirodkar, for the Applicants.
Smt. A. A. Takalkar, for the State.**

CORAM : SARANG V. KOTWAL, J.

DATE : JUNE 28, 2019

P.C.:

1. The applicants are seeking bail in connection with C.R. No.648/2018 registered at Chakan Police Station, Pune under Sections 395, 341 and 120-B of IPC.

2. The applicant Nos.1 and 2 are arrested on 13/11/2018. Accused No.3 is arrested on 17/11/2018. The case of the prosecution is that on 16/7/2018, around 5.00 p.m., the informant had started from MIDC Ranjangaon towards Dehu Road in his truck No.HR-55-AC-0684. Around 6.15 p.m. he had reached

near Mauli Hotel in Rasegaon. At that time, one black coloured Scorpio car overtook the truck and intercepted it. The truck had to be halted. Around 6-7 persons from the car get down. They overpowered the first informant, assaulted him, took away his mobile phone, put him forcibly in the car, tied his hands, blindfolded him, assaulted him and left him at Nehroli Phata, District Palghar. His truck was taken away. The truck was containing large number of cigarette boxes. On this basis, after his escape, the first informant has lodged his FIR. The investigation was carried out. The applicants were arrested.

3. Heard Mr. Ganesh Gole, Ld. Counsel for the applicants and Smt. Takalkar, Ld. APP for the State.

4. Shri. Gole submitted that there is no incriminating material against the present applicants in the entire chargesheet. It is the prosecution case that accused No.1 Siddharth and others had committed the actual robbery. He alongwith others had come in the Scorpio car and had intercepted the truck and had taken it

away forcefully.

5. As far as the present applicants are concerned, the allegations against them are that they helped to unload the truck and put those articles in another truck at some other place near Bhiwandi. There are no witnesses who had actually seen the present applicants unloading the goods from stolen truck and loading them in some other vehicle. Similarly, even otherwise, there is not even any other circumstantial piece of evidence to connect the present applicants with alleged crime. The allegations against the present applicants do not travel beyond suspicion. In any case, Shri. Gole, rightly pointed out that at the highest the allegations against the applicants were that they were labourers who had unloaded the truck. They may not be aware as to from where the truck was brought or from where the goods were brought. In this view of the matter, there does not appear to be any incriminating material against the present applicants. Ld. APP with assistance of the Investigating Officer also could not point out any incriminating material against the present applicants. The

applicants deserve to be released on bail. Hence, the following order.

ORDER

1. The applicants are directed to be released on bail in connection with C.R. No. 648/2018 registered at Chakan Police Station, Pune on their executing P.R. Bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand Only) with one or two sureties each in the like amount.
2. The application is disposed of.

(SARANG V. KOTWAL, J.)