

Dond

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

BAIL APPLICATION NO. 960 OF 2019

Nitin Devrao Mohite

..Applicant

Vs

The State of Maharashtra

..Respondents

Mr. S.G. Rajput a/w Aditya Jadhav for Applicant.

Ms. J.S. Lohokare, APP for Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 11th December 2019.

P.C.:

- 1] This is a successive application for bail by the applicant.
- 2] The earlier application for bail bearing No.2534 of 2017 preferred by the applicant for bail was dismissed as withdrawn by this Court, by granting liberty to the applicant to file fresh application for bail before the Trial Court, if the trial arising out of CR No.128 of 2017 registered with APMC Police Station, Navi Mumbai does not commence within a period of one year from 18th December 2017.
- 3] The applicant accordingly availed the said remedy and preferred an application for bail below Exh.21 in Sessions Case No.337 of 2017 arising out of C.R. No.128 of 2017. The said application has been rejected by the learned

Additional Sessions Judge, Thane by its Order dated 21.2.2019.

4] The prosecution case in nutshell is that on 28th April 2017 in between 6.45 a.m. to 11.30 a.m at Warna Circle, Sector-24, Turbhe Nagar, Navi Mumbai, the applicant along with other accused and absconding accused abducted the informant and Shri Mohan Savaji and they were forcibly taken into a Swift Car towards Supe, District-Ahmadnagar. The informant and witness were robbed of Rs.80.00 lakhs in the said car. When the car of the accused persons reached at Supe, the complainant and informant were thrown out of the car at Supe. The first information report is lodged by Mr. Rishikesh Dhashal, employee of Shri Mohan Savaji.

5] The record indicates that, during the course of the investigation a sum of Rs.5.00 lakhs has been recovered at the instance of the applicant by conducting panchanama dated 12th May 2017 under section 27 of the Evidence Act. The record further indicates that, other accused namely Deepak Kale and Hanumant Golhar are also absconding till date.

It is submitted that, a test identification parade was conducted on 26.6.2016 when the informant Mr. Rishikesh Dhashal has identified the applicant as one of the accused in the crime.

6] Perusal of the record further indicates that, the applicant had actively participated in the commission of the present crime. The offence alleged against the applicant is undoubtedly serious in nature, as two persons were abducted

from a flowing road in broad day light with a view to commit robbery, from Navi Mumbai and were taken to Supe which is approximately more than 100 km away. The prosecution has expressed an apprehension that, if the applicant is released on bail, he along with other absconding accused will threaten and pressurize witnesses in the present crime. I find substance in the apprehension expressed by the learned APP in that behalf.

7] In view of the above, I am of the view that, the applicant does not deserve to be released on bail.

8] The application is accordingly dismissed.

9] As the applicant is in jail since 12th May 2017, the learned Additional Sessions Judge, Thane seized of sessions case No.337 of 2017 is hereby requested to expedite the trial of the applicant.

(A.S.GADKARI, J.)