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

CRIMINAL BAIL APPLICATION NO. 1400 OF 2018

Priyanka Dnyaneshwar Lohakare	Applicant
V/s.	
The State of Maharashtra	Respondent

**WITH
CRIMINAL BAIL APPLICATION NO. 3157 OF 2018**

Maruti @ Pintya Shivaji Sarde	Applicant
V/s.	
The State of Maharashtra	Respondent

Mr. Viresh V. Purwant for the applicant in BA 1400 of 2018
Mr. Abhijit Desai a/w Hemal Patel i/b GMS Legal for applicant in BA 3157 of 2018
Mr. S. S. Hulke APP for the State

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 26, 2019.

P.C.

Mr. Desai, the learned counsel for the applicant in Bail Application No. 3157 of 2018, on instructions makes a motion to withdraw the application. Bail Application No. 3157 of 2018 stands dismissed as withdrawn.

2 As far as applicant in Bail Application No. 1400 of 2018 is concerned, he is seeking regular bail in Crime No. I-622/2016 registered with Yawat Police Station, Pune for offence punishable under Sections 394, 342 r/w 34 of the Indian Penal Code. Applicant Priyanka came to be arrested on 20/11/2016

3 The submissions of the learned counsel for the applicant are, confessional statement of the applicant cannot be relied upon to the detriment of the applicant particularly when the contents thereof are imaginary and far away from truth. It is also submitted that but for the present substantive offence, no other offences are registered against her.

4 It is also claimed that the only inference that could be drawn against the applicant Priyanka is of handling the custody of the booty received out of the commission of the crime in question by her husband. According to him, the same cannot be inferred to the extent of being a member of organized crime syndicate. As such, it is prayed that applicant is entitled to be released.

5 *Per contra* the learned APP submits that application is liable to be rejected as there is more than one offence registered against the accused Dnyaneshwar who happen to be husband of applicant Priyanka. He submits that against Dnyaneshwar, there are in all 21 offences which are serious in nature. He submits that the confessional statement of the co-accused recorded under section 18 of MCOCA in categorical terms name the exact role played by each of the accused including the applicant. As such, he sought rejection.

6 Having appreciated the submissions, what is noticed is applicant Priyanka was well aware of the fact that her husband Dnyaneshwar is involved in more than 20 offences of similar nature of dacoity, theft etc. The booty, stolen material viz. cash, jewellery in the said offences was always handled by the applicant. Her confessional statement recorded under section 18 of MCOCA in voluminous terms speaks of her conduct. Even if the said confessional statement is retracted, still the fact remains that same can be relied upon at this stage for the purpose of deciding the bail application.

7 Apart from above, there is presumption against the applicant under section 22 of MCOCA as there is recovery during investigation of the crime in question.

8 Considering detailed investigation carried out, the material available on record, the confessional statement and that of presumption under section 22 of MCOCA, in my opinion, no case for grant of bail is made out.

9 Bail Application 1400 of 2018 stands rejected.

[NITIN W. SAMBRE, J.]