

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

CRIMINAL BAIL APPLICATION NO. 1653 OF 2019

Suresh Bharat Chand	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vinod Kashid, for the Applicant.
Mr. A.A. Palkar, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th August, 2019.

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No. 69 of 2018 registered with the Tardeo Police Station, Mumbai, for the alleged offences punishable under Sections 392, 397, 342, 506, 120B of the Indian Penal Code
3. Perused the papers. According to the complainant -Smt. Reeta Shroff, aged 69 years, the incident took place on 06/03/2018 at about 1.15

pm, when she was alone at her residence. The complainant has stated that when the door bell rang, she opened the main door, and found a person at her door, who informed her, that there was a parcel from Dentist India. According to the complainant, she had not called for any parcel, however, as the said person was insisting that the parcel belonged to her, she inquired with her husband, whether he had called for any parcel. She had stated that her husband replied in the negative. She has further stated that the person outside the door told her that he was thirsty and asked for water, pursuant to which, she served him a glass of water. The complainant has further stated that when she turned back, the said person held her from behind and made her stand in one corner, after which three unknown persons entered the flat and threatened her not to shout. According to the complainant, one person put a cello tape on her mouth and dragged her to the bedroom, where they tied her hands and legs with cello tape. The complainant has stated that the accused persons started searching her cupboard and took out cash of Rs.3,30,000/- and gold ornaments worth Rs.32,000/-. She has stated that one of the unknown persons asked her where she had kept the gold ornaments and also threatened to kill her. A knife was also shown to the complainant. After committing robbery, the accused ran away from the said

spot.

4. Learned counsel for the applicant submitted that a false case has been registered as against the accused including the applicant. He submitted that section 397 of IPC would not apply to the facts. He further submitted that the panchanamas for recovery of Rs.12,000/- in cash was prior to the applicant's arrest. He further submitted that two panchanamas were drawn on the same day i.e. the first panchanama of accused no. 4 shows that he was arrested on 27/03/2018 at Tardeo Police Station from 1-00 to 3-00 pm and thereafter, the second panchanama of the same date, which shows that there is recovery of knife at the instance of the same accused no. 4, from Thane between 12-15 pm to 4-45 pm, thus showing falsity in the prosecution case. As far as the applicant is concerned, apart from recovery of cash, the applicant has been identified in the T.I. Parade by the complainant. The CDR record of the applicant also shows that the applicant was in the area where the alleged incident took place. Considering the material on record, this is not a fit case to enlarge the applicant on bail.

5. Accordingly, the application is rejected and disposed of.
6. The observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(*REVATI MOHITE DERE, J.*)