

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2211 OF 2018

Raju Kashinath Sonkar, Age 27 years,
Occ.Service, R/o.Gram Divva, Post Gangapur,
Tahsil Shahar Kotwali, Dist.Gonda, UP.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Abdul Wahab Khan with Abdul Hafeez for applicant.
Mrs.G.P.Mulekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th February 2019

PC :

1. This is an application for bail in connection with CR No.321 of 2017 registered with Khar Police Station for offences under Sections 395, 397, 341, 452 r/w 34 of Indian Penal Code.

2. The case of prosecution is that on 31st August 2017 two unknown persons had barged into the house of complainant and they have committed robbery of cash as well as jewellery. The co-accused who is the cousin of the applicant, was working as cook with the complainant. It is the case of the prosecution that the said accused had acted in connivance with others in committing the crime. According to the prosecution, the applicant is the person who was standing outside the house at the time of commission of offence. He was arrested on 4th September 2017 and on completing investigation charge sheet has been filed.

3. Learned counsel for applicant submitted that the applicant is in custody from 4th September 2017. Investigation is completed and charge sheet is filed. There are discrepancies in the evidence collected by police. There is alleged recovery of cash of Rs.7,52,000/- and jewellery worth Rs.2,50,000/- and the bank receipts in respect to deposits made in the bank. It is submitted that the complainant had initially stated that the applicant is the person who had entered into the house which statement was subsequently corrected by stating that the applicant is not the person who had entered into the house. It is submitted that the trial would not commence in the near future. There are no antecedents against applicant. The cousin of the applicant is in custody.

4. Learned APP submitted that there is evidence against the applicant showing his involvement in the crime. He was the person who was standing outside house of the complainant. There are statements of eye witnesses i.e. watchman and driver who is employed with one of occupant of the building. A specific overt act has been attributed to the applicant. It is further submitted that the case was kept for framing of charge but the applicant has sought adjournment on the ground that application for bail is pending in this Court.

5. I have perused the documents on record. The cousin of applicant was allegedly working as cook in the house of complainant. There is evidence of recovery as stated above as against applicant. There are statements of eye witnesses stating that the applicant is the person who was standing outside house. The applicant has allegedly made extra-judicial confession to his girl friend. He was using the

sim card which was issued in the name of his girl friend and CDR and statement of nodal officer indicates his presence at the place of incident at the time of incident.

6. Considering the nature of evidence, no case for grant of bail is made out. Criminal Bail Application No.2211 of 2018 is dismissed. The Trial Court shall make an endeavour to conclude the trial expeditiously.

(PRAKASH D. NAIK, J.)

MST