

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

BAIL APPLICATION NO.2489 OF 2018

Akshay Gopinath Chavan Applicant

versus

The State of Maharashtra Respondent

.....

- Mr.Satyavrat Joshi, Advocate for Applicant.
- Ms.S.S. Kaushik, APP for the State/Respondent.
- PN V.S. Gaikwad, Chakan Police Station, Pune present.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th JUNE, 2019

P.C. :

1. The Applicant is seeking bail in connection with C.R.No.659/17 registered with Chakan Police Station, Pune, under sections 392 of the Indian Penal Code. The investigation in this case is over. The case is pending as Sessions Case No.36/18 on the file of learned Additional Sessions Judge, Khed.

2. The FIR is lodged on 13/07/2018 by one Ahirul Abuhusain Shaikh. According to him, on 10/07/2017 at about

05.30 p.m. when he was returning home after his duty in Voxvagon Company within limits of Noghoje village he was stopped by four persons who came in a Swift car. Two of them got down. He was offered to be taken for some distance. Hence he sat in the car. One of the assailants took out a knife and on the point of knife removed Rs.2,200/- from his pocket and then he was left near Mahindra company. On these allegations FIR was lodged.

3. Investigation was conducted and the present applicant was arrested on 14/12/2017. The investigation was carried out, during which statements of other witnesses were recorded. The car was seized. However, in the entire charge-sheet there is absolutely no incriminating material against the present Applicant. The Applicant was not even put in test identification parade to enable the informant to identify him as one of the culprits. There is no recovery of any incriminating article or any money collected by him.

4. Learned APP submits that according to the prosecution case the present Applicant was not in the car, but was keeping watch from a distance. However, there is no evidence in the entire charge-sheet against him. Therefore the Applicant deserves to be released on bail. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail, in connection with C.R.No.659/17 registered with Chakan Police Station, Pune, on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)