

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

BAIL APPLICATION NO.2498 OF 2018

Akshay Gopinath Chavan Applicant

versus

The State of Maharashtra Respondent

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- 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.437/17 registered with Chakan Police Station, Pune, under section 395 of the Indian Penal Code and under section 4 (25) of the Arms Act. The investigation in this case is over and it has resulted in Sessions Case No.22/18 on the file of learned Additional Sessions Judge, Khed.

2. The FIR is lodged on 03/05/2017 by one Babasaheb Bhaurao Jambhulkar. According to him, he was the original

resident of Rusulabad, Taluka Gavrai, District Beed. On 03/05/2017 at about 03.15 p.m. he had collected Rs.50,000/- to take to his village and he started from village Chandoli, Khed. When he reached Chakan, Shikrapur Road, at that time one white Swift Desire car stopped near him. There were four passengers. One of them offered to take him to Ahmednagar as they were also going in that direction. When he sat inside, after some distance those persons took out swords, knife and sickle and forcefully removed the amount which he was carrying with him. He was also assaulted and thereafter he was left on the road. He lodged his FIR with Chakan Police Station on 03/05/2017.

3. The investigation was carried out and the Applicant was arrested on 03/12/2017. The investigation papers show that the first informant had suffered injuries which corroborates his case. However, the present Applicant was not put in test identification parade to enable the first informant to identify him. There is no recovery against him.

4. The learned Counsel for the Applicant submitted that in view of absence of any iota of evidence against the present Applicant, he deserves to be granted bail.
5. Learned APP opposed the Application and she mentions that the offence is serious and there is a racket involved. However to support her contention she could not point out any incriminating circumstance against the present Applicant. Though incident had occurred which is corroborated by injury certificate and though there is no reason to disbelieve the first informant, investigation papers do not show any incriminating evidence whatsoever against the present Applicant. There is no recovery of any incriminating article or any amount taken from the first informant. The Applicant was not even put to test identification parade. In this view of the matter, the Applicant has made out case for grant of bail. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail, in connection with C.R.No.437/17 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.)