

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

BAIL APPLICATION NO.2587 OF 2018

Akshay Gopinath Chavan Applicant

versus

The State of Maharashtra Respondent

.....

- Mr.Satyavrat Joshi a/w Sumant Deshpande, Advocate for Applicant.
- Mr.S.H. Yadav, 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.1151/17 registered with Chakan Police Station, Pune, under sections 392 r/w 34 of the Indian Penal Code.
2. The investigation is over and the Applicant is facing trial vide Sessions Case No.23/18 before the learned Additional Sessions Judge, Khed.

3. The FIR is lodged on 15/11/2017 by one Sandip Umesh Kulkarni. According to him, at about 05.00 p.m. he was walking down on the street to go home from his company. At that time one white coloured Swift Desire car came near him. There were four passengers in the car. They offered him lift for some distance. The first informant sat in the car. After driving for some distance, the passengers removed Koyta from under the seat and threatened the first informant. They forcibly removed his ring, money and mobile phone. His ATM card was also removed and he was forced to disclose his ATM PIN. They covered his eyes with one handkerchief and after some time he was thrown away from the car. On these allegations, the FIR was lodged. The Applicant was arrested in this crime on 01/12/2017.

4. Heard learned Counsel Mr.Mr.Satyavrat Joshi for the Applicant and learned APP Mr.S.H. Yadav for the State.

5. The learned Counsel for the Applicant submitted that

there is no evidence against the present Applicant. Learned APP submitted that offence is serious and therefore the Applicant does not deserve to be granted bail.

6. The charge-sheet shows that the test identification parade was held on 08/02/2018 wherein the Applicant was made to stand in the parade. However, the first informant did not identify him and therefore there is no evidence of identification against the present Applicant. There is no recovery of any incriminating article including cash amount and the mobile phone which was taken away forcibly from the first informant. In this view of the matter, since there is no incriminating evidence against the Applicant, 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.1151/17 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.)