

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

BAIL APPLICATION NO.2613 OF 2018

Akshay Gopinath Chavan	 Applicant
versus	
The State of Maharashtra	 Respondent

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- Mr.Satyavrat Joshi a/w Suman Deshpande, 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.1123/17 registered with Chakan Police Station, Pune, under sections 394, 34 of the Indian Penal Code.
2. The investigation is over and the Applicant is facing trial vide Sessions Case No.34/18 before the learned Additional Sessions Judge, Khed.
3. The FIR is lodged on 07/11/2017 by one Shankardas Ramchandra Das. According to him, on 06/11/2017 at about

10.00 a.m. he was going towards his company for work, at that time one white coloured Swift Desire Car approached him. The passengers inside the car, offered him lift for some distance. There were four passengers. The first informant sat in the car. After some time he was assaulted in the car by those persons with wooden stick. His cash amount of Rs.250/-, mobile phone and ATM card were removed forcibly. He was forced to disclose the PIN of ATM card at the point of knife. They stopped at one ATM centre and removed some amount. After some distance he was left on the road with his eyes blindfolded and his mouth was gagged with a cloth. Based on these allegations FIR was lodged.

4. Investigation was carried out. The Applicant was arrested on 11/12/2017. The learned Counsel for the Applicant submitted that there is absolutely no incriminating evidence against the present Applicant and therefore he deserves to be released on bail.

5. Learned APP submits that offence is serious and the Applicant should not be granted bail.

6. Perusal of the investigation papers show that the test identification parade was held on 08/02/2018. The Applicant was made to stand in the parade and the first informant was given an opportunity to identify the culprits. However, the first informant did not identify the present Applicant.
7. There is no recovery at the instance of the present Applicant. In short, there is no material against the present Applicant to deny bail in this matter. Hence, the following order :

ORDER

- (i) The Applicant is directed to be released on bail, in connection with C.R.No.1123/17 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.)