

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2807 OF 2018

Mandar Baban Utekar	..	Applicant
Versus		
State of Maharashtra	..	Respondent

Mr. B.D.Hinge for applicant
Mr. R.M.Pethe, APP for State.

CORAM : PRAKASH .D.NAIK , J.

DATE : 23rd January 2019.

P.C.

This is an application for bail in C.R.No.I-173 of 2016.

2] Heard learned Counsel for the parties. By this application, the applicant seeks his enlargement on bail in connecton with C.R.No.I-173 of 2016 registered with the Wagle Estate police station, Thane, for the alleged offences punishable under section 395, 397, 342, 506(2), 120-B and 201 of the I.P.C. and under sections 3, 25 and 27 of the Arms Act and under sections 37(1) read with 135 of the Maharashtra Police Act.

3] Learned Counsel for the applicant submitted that Identification parade is defective. There is no evidence to implicate the applicant in the subject crime. Recovery was made at the instance of co-accused. The case of the prosecution is that the accused persons were masked at the time of crime and, therefore, the question of identification does not arise.

5] Learned APP opposed the application. He submitted that the applicant has been identified by Sameer Chavan and the statement of Adesh Gorivale points out to the conspiracy hatched by the applicant and others.

6] Perused the charge-sheet. The incident took place in the intervening night of 27th June 2016 and 28th Jun 2016. According to Sunil Rathod, an employee of Checkmate Services Private Limited, the incident took place in the office of the Checkmate Services Pvt. Ltd., where the accused committed dacoity of about Rs.5 Crores. According to Sunil Rathod, 7 unknown persons entered the premises with revolver, knife and

sword and started threatening the employees of the company and thereafter committed dacoity. As far as the applicant is concerned, there is no parity with co-accused Yogesh, inasmuch as, Yogesh has not been identified in the I.P. by any of the witnesses. As far as the applicant is concerned, he has been identified by Sameer Chavan. The statement of Adesh Gorivale also shows the complicity of the applicant, inasmuch as, he had heard the conversation that took place amongst the accused, that they were going to commit dacoity in the Checkmate Services Pvt. Ltd. The said witness has specifically named the applicant as one of the person being present when conspiracy was hatched. The statement of Mahesh Satre and Suresh Ribole also shows the complicity of the applicant.

7] This court has rejected the application for bail preferred by the co-accused. Considering the aforesaid facts, no case for grant of bail is made out. Application is dismissed.

(PRAKASH D.NAIK, J.)