

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

CRIMINAL BAIL APPLICATION NO. 2823 OF 2018

Sachin Ashok Shinde	... Applicant
Vs.	
The State of Maharashtra	... Respondent

...

Mr. Raju D. Suryawanshi for the applicant.
Mrs. A.A. Takalkar, APP for the Respondent-State.
Mr. H.S. Choudhary, Palghar Police Station is present.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 21st FEBRUARY, 2019.**

P.C.

1. This is an application for bail in connection with C.R. No. 127 of 2018 registered with Palghar Police Station for the offence punishable under Sections 395, 241 of Indian Penal Code. First Information Report was lodged on 5th June, 2018.
2. The case of the complainant is that on 4th June, 2018 as usual he has attended the petrol pump owned by him. Thereafter he collected amount about 5 to 6 Lakhs which was kept in Rexin bag and he was proceeding on his motor-cycle. Two persons came on motor-cycle. Another motor-cycle, stopped in front of informant. The persons on the motor-cycle kicked motor-cycle of the

informant as a result informant fell on the road. The accused took away the bag containing cash. First Information Report was lodged against unknown persons. Thereafter, applicant was arrested on 11th July, 2018. Statement of witnesses were recorded. On completion of investigation chargesheet was filed.

3. Learned counsel for the applicant submitted that there are infirmities in the prosecution case. Applicant has been falsely implicated in this case. There is discrepancy in the evidence of recovery. Identification of the applicant is doubtful. There are no criminal antecedents against the applicant. Parents of the applicant are employed and applicant was working as a store keeper in a pharmaceutical company.

4. Learned APP submitted that applicant is identified by the complainant. There is recovery of cash of Rs.92,000/- at the instance of the applicant. Infirmities if any in the evidence or identification parade, can be adjudicated at the time of trial.

5. The incident had occurred on 5th June, 2018. The applicant was arrested on 11th July, 2018. The first informant in the FIR has not given any description of the accused who were involved in the crime. It is not clear as to on what basis, the applicant was arrested as a person involved in the crime. From the statement of

the employees recorded during the course of investigation more particularly the statement of witness Satyendra Prasad Roy, it is apparent that the arrested accused were shown at the police station as person involved in the crime. Complainant has identified the motor-cycle being used in the crime on the day when the accused were pointed out to witnesses at Police Station. Said motor-cycle was allegedly recovered at the instance of the arrested accused. It is submitted that there is every possibility that complainant having seen the accused at the police station had identified them in the identification parade. The case of the prosecution is that all persons were identified in the identification parade. However, there is no statement about the role played by the arrested accused. Statement alleging recovery of cash amount was jointly recorded wherein three accused persons have allegedly made statement which lead to recovery of cash amount. In the circumstances, there is no impediment in granting bail. Further detention of the applicant is not necessary. Hence, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection

with C.R. No. 127 of 2018 registered with Palghar Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

iii. Applicant shall report to the concerned Police Station once in a month on first Saturday of month between 11 a.m. to 1 p.m. till further order;

iv. Applicant shall attend the trial Court on the date of hearing of the case, unless exempted by the trial Court.

v. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)