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

CRIMINAL BAIL APPLICATION NO.2948 OF 2017

Meninath Babulal Chavhan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.D.Purway, for the Applicant.

Ms.Veera Shinde, A.P.P for the Respondent - State.

API – Prashant Pawar, Crime Branch, Wagle Estate, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JUNE, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No. I – 173 of 2016 registered with the Wagle Estate Police Station, Thane, for the alleged offences punishable under Sections 395, 397, 342, 506(2), 120(B) and 201 of the Indian Penal Code, under Sections 3, 25 and 27 of the Arms Act and under Sections 37(1) and

135 of the Maharashtra Police Act.

3. Perused the papers. The incident took place in the intervening night of 27th June, 2016 and 28th June, 2016. According to the First Informant - Sunil Rathod, an employee of Checkmate Services Private Limited, the accused committed dacoity of about 5 crores in the office of the Checkmate Services Private Limited. The First Informant has alleged that 7 unknown persons entered the premises with revolver, knife and sword and started threatening the employees of the company and thereafter committed dacoity.

4. Learned Counsel for the Applicant submitted that the applicant is languishing in jail since 2016 and that till date, trial has not commenced. He submitted that the only material, qua the applicant is recovery of Rs.5,79,000/- and alleged CDR records. He further submitted that the applicant has no antecedents.

5. Learned APP opposed the application. She submitted that in addition to the aforesaid material i.e. recovery of money as well as CDR

records, there are two witnesses i.e. Mahesh @Babu Baban Satre and Aadhesh Rajaram Goriwale, who disclose the conspiracy hatched by the accused, of committing dacoity at Checkmate Services Private Limited. She submits that the applicant has been specifically named by the said witnesses.

6. It is not in dispute that this Court had rejected the Bail Applications of Pandurang Chavan, Akash Chavan and Mayur Rajendra Kadam @Ajinkya. As far as the present applicant is concerned, his role is similar to that of Mayur @Ajinkya. It appears from the material on record that there is recovery of Rs.5 lakhs odd as against the applicant. The CDR records also show that the applicant was in touch with the other co-accused and his location was at the spot at the alleged time of the incident. The statements of the witnesses who heard the conspiracy, point out to the complicity of the applicant.

7. Considering the aforesaid, this is not a fit case to enlarge the applicant on bail. However, since the applicant is in custody since 2016, the trial of the applicant is expedited. The learned Judge to conclude the

trial as expeditiously as possible and preferably within 12 months from the date of receipt of this order.

8. Accordingly, the application for bail is rejected and disposed of as such.

9. It is made clear that the observations made herein are *prima facie* for deciding the aforesaid application, and the learned Judge shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.