

Anand

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

BAIL APPLICATION NO. 3185 OF 2018

Deepak Ramchandra Raina alias Mohanti .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Sushil Kumar S. Upadhyay, Advocate, for the Applicant
Mr. A. R. Kapadnis, APP, for the Respondent – State
Mr. Bajrang Jagtap, PSI, Tardeo Police Station, Mumbai

CORAM : REVATI MOHITE DERE, J.

DATE : 19.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 69 of 2018 registered with the Tardeo Police Station, Mumbai, for the alleged offences punishable under Sections 392, 397, 342, 452, 506 & 120B of the Indian Penal Code.

3. Perused the papers. According to the Complainant – Rita Shroff, the incident took place on 06.03.2018 at 9.45 a. m.,

when her husband had gone to his clinic. She has stated that one person aged 35 to 40 years representing himself to be a courier delivery boy came home and stated that some products were ordered by the Complainant's husband. Pursuant thereto, the Complainant called her husband and verified whether he had booked any product. As the Complainant's husband stated that he had not booked any product, the Complainant did not open the door and did not accept the product. It is alleged by the Complainant, that as the courier boy requested for water, she went into the kitchen and brought one glass of water. She has stated that when she opened the safety door of the house to give water, the accused entered the house, forcibly pushed her in one corner and gagged her. She has further stated that thereafter, two persons entered the flat, taped her mouth and pushed her in the bedroom; that the accused persons started searching the house and from her cupboard took Rs. 3,00,000/-; that the accused put a knife on her neck and asked where the Gold ornaments were kept. The Complainant has further alleged that after threatening her, the accused forcibly took her Gold ear ring, Gold chain and ring and thereafter, left the house. During investigation, the accused including the Applicant were arrested. The Applicant has

been identified by the Complainant in the identification parade. There is recovery of money at the Applicant's instance. It also appears that the Complainant's gold chain was given by the Applicant to one of his relatives who in turn sold the chain in the market and received Rs. 21,000/-. It also appears that the Applicant has one antecedent i. e. C. R. No. 99 of 2018 registered with the Rabale Police Station, Navi Mumbai for the offences punishable under Sections 454 and 389 of the Indian Penal Code. It appears that whilst on bail, the aforesaid offence has been committed.

4. Considering the aforesaid, this is not a fit case to enlarge the Applicant on bail. Hence, the Application stands rejected.

5. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)