

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.1020 OF 2019

Shubham s/o Vitthalrao Jadhav.Vs. State of Maharashtra,through P.S.O,
P.S. Washim (City), Tq. and Dist. Washim.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.S. Deshpande, Advocate for applicant.
Mr. N.B. Jawade, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 20, 2019

Heard Mr. A.S. Deshpande, learned counsel for applicants and Mr. N.B. Jawade, learned Additional Public Prosecutor for non applicant-State. Also perused detailed reply filed on behalf of prosecution and investigation papers.

Applicant is praying that he be released on bail since he is arrested in connection with Crime No.246/2019 registered with Police Station, Washim (City), District Washim for an offence punishable under Sections 394, 395, 212 and 120B of the Indian Penal Code.

Learned counsel for applicant submits that investigation is over and charge-sheet is already filed. He also submits that co-accused is already released on bail by learned Additional Sessions Judge, Washim and therefore on the principle of parity the applicant be released on bail.

Application is opposed by learned Additional Public Prosecutor. He also submits that prosecution is taking steps for cancellation of bail application which was granted in favour of the co-accused.

Complainant is Store Incharge at Choupal Sagar, Washim. He along with his Security Guard Raju Ingale, was going for depositing an amount of ₹9,60,627/- in the bank on their two-wheeler. When they were proceeding to bank, one white coloured Scooty having no registration gave dash to the complainant's two-wheeler and thereafter two persons alighted from the said vehicle, snatched the bag containing the amount and ran away from the spot.

The reply would show that investigating officer got lead from one juvenile in conflict with law about participation of the applicant in the crime. Accordingly, the applicant was arrested. During the investigation he gave disclosure statement and disclosed that from the amount of profit of the crime, he had deposited ₹1,15,000/- in Gajanan Cooperative Society, Kata, ₹ 50,000/- in the account of his mother, ₹ 50,000/- in the account of Gaurav Jadhav in Bank of India and further an amount of ₹ 32,000/- was discovered from his house.

During the course of hearing, it is revealed to this Court and also clear from the cause title that the applicant's occupation is shown as "Student". However, during the course of hearing, nothing could be pointed out to this Court as to how there was sufficient money with the applicant to deposit the same in aforesaid three bank accounts.

Be that as it may, after arrest of the applicant the investigating officer has conducted test identification parade. In that test identification parade the applicant is duly identified by complainant and his security guard Raju.

Submission of the learned counsel for the applicant is that other co-accused who was also identified by complainant and his security guard is released on bail.

In my view, learned Additional Public Prosecutor has rightly submitted that in spite of identification by the complainant and complainant's security guard the Court below has granted bail and therefore the prosecution is taking steps for cancellation of his bail. Merely the another co-accused is granted bail in spite of the incriminating material against, in my view, that cannot be a criterion to apply the principle of parity.

The offence is very serious one which affects the smooth functioning of the society and therefore the Court should take a strict view in such cases when there is robbery on the public road. Therefore, there is no merit in the application.

Consequently, the application is rejected.

JUDGE

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