

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

BAIL APPLICATION NO.2404 OF 2019

Dattatray Madhukar Jadhav

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Ganesh Gole i/b. Mr.Shirodkar Ateet, Advocate for the Applicant.

Mr.S.H. Yadav, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 25, 2020.

P.C. :

The applicant is seeking bail in connection with C.R.No.100 of 2019, registered with Karad City Police Station, Satara, for the offence punishable under Sections 395, 397 and 400 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 11th March, 2019. The applicant was arrested on 15th March, 2019.

2 The prosecution case is that on 11th February, 2019, four unknown persons had entered Bank of Maharashtra, Shenoli and threatened the customers and bank employees by pointing

revolver. They were made to gather in store room, which was locked by them. The accused then threatened the employee with revolver and robbed cash from the cash counter as well as cash and jewellery from the Bank Locker. The cash was to the tune of Rs.23,20,000/-, and the gold was valued at Rs.8,51,675/-. FIR was registered against unknown persons.

3 Statements of various persons were recorded. Supplementary statement of the complainant was recorded, after conducting the parade. On completing investigation, charge-sheet is filed.

4 The applicant was not present at the scene of offence. There is not Test Identification Parade of the applicant. The other accused were identified by the witnesses. At the instance of the co-accused Kiran, gold and cash was recovered. The said recovery was made from the adjacent field and not from the field of applicant. Learned Sessions Judge had observed that the said recovery was from the field of the applicant. The prosecution relying on statement of Yaddyya stated there are discrepancies in his statement. It is pertinent to note that the presence of the applicant was allegedly referred to at Karad. The applicant was at

Solapur and the incident had occurred at Karad. There is no cogent evidence showing his involvement in the crime. It is contended that there are no criminal antecedents against the applicant. Learned APP, however, submitted that the offence is of serious nature. There is recovery from the field of the applicant. Statement of Yaddyya is incriminating against the applicant. However, as stated above, the submissions cannot be accepted. The recovery is from the co-accused and not from the field of the applicant. It is not the case of the prosecution that the applicant was one of the decoit who had entered the bank for committing the offence. In view of the above, case for grant of bail is made out.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2404 of 2019, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R.No.100 of 2019, registered with Karad City Police Station, Satara, on his executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (iii) Applicant shall attend the concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 01:00 p.m., till further order;
- (iv) Applicant shall not tamper with the prosecution evidence;
- (v) Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)