

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

CRIMINAL BAIL APPLICATION NO. 2872 OF 2019

Suresh Ashok Doke	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. J. Shekhar a/w Sairuchita Chowdhary i/b J. Shekhar and Co.
Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. Sanjay D. Nikumbe, DCB, CID, Unit-2, Mumbai.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th MARCH, 2020

PC :

1. This is an application for bail in connection with C.R. No.190 of 2018 registered with N.M. Joshi Marg Police Station, Mumbai, subsequently investigation is transferred to DCB, CID, Unit III, Mumbai, vide C.R. No.78 of 2018 for the alleged offences punishable under Sections 394, 397, 34 and 120B of the Indian Penal Code.

2. The case of the prosecution is that the complainant was working with K.S.V Global Logistic for about 10 years. It is alleged that the incident took place on 27th October, 2018 between 8.15 p.m. and 8.30 p.m. when he was carrying a parcel containing jewellery worth Rs.1,33,65,988/-. He has stated that when he reached Mathuradas Mill Compound, suddenly one unknown person came behind him, held him and another unknown person threw something

in his eyes, as a result of which, his eyes started burning. One of the unknown person used sharp weapon and cut the belt of the bag which he was carrying on his back. In the said incident, his left hand thumb and palm were injured. According to the complainant, when he looked back, he realized that the two unknown persons had taken his bag, which he was carrying on his back. Pursuant thereto, F.I.R was lodged against two unknown persons. During the course of investigation, four persons were arrested including the applicant. On 17th November, 2018, apart from the applicant's mobile, two gold bangles were recovered from the applicant's house. The said gold bangles have been identified by the witnesses. The evidence of call record shows that the applicant was in the vicinity when the alleged incident took place and was continuously in touch with the co-accused pre and post incident. The statements of Amol Doke brother of co-accused Suresh Doke also shows that the applicant his brother and other co-accused would regularly meet each other prior to the incident.

3. There is recovery of gold ornaments at the instance of the applicant worth Rs. 34 Lacks. There is evidence of C.D.R. and statement of witnesses.

4. Learned advocate for the applicant submitted that the

applicant was not present at the place of incident at the time of alleged act. The applicant is in custody from 11th November, 2018. There is no progress in trial. There is no criminal antecedents against the applicant. There is no guarantee as and when trial would commence and would be concluded.

5. Learned APP submitted that there is strong evidence against the applicant. The co-accused who were attributed lesser role and preferred application for bail before this Court viz. Bail Application No. 1755 2019 which has been rejected by order dated 3rd October, 2019. The complicity of the applicant is disclosed during the course of investigation. There is recovery of ornaments worth Rs. 34 Lacks. There is corroborative evidence in the form of C.D.R. Considering the circumstances, no case for grant of bail is made out.

6. Hence, I pass the following order :

ORDER

Bail Application No.2872 of 2019 stands rejected
and disposed of accordingly.

(PRAKASH D. NAIK, J.)