

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

CRIMINAL BAIL APPLICATION NO. 175 OF 2021

Pappu @ Hrishikesh Ramesh Shinde ... Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Mahendra Agavekar, Advocate for Applicant.
- Mr. Ajay Patil, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th JUNE, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 199 of 2020 registered with Yeola Taluka Police Station, Nashik, for the offence punishable under sections 341, 392, 392 r/w 34 of the Indian Penal Code and section 4 and 25 of the Arms Act. The Applicant was arrested on 10.7.2020 and since then he is in custody.
2. Investigation is over and charge sheet is filed.
3. Heard Shri Agavekar for the applicant and Shri Patil, APP for

State.

4. FIR is lodged by Mr.Rakeshkumar Golichand Nagar. He has stated that he was working as a driver of the truck bearing MH-18-BA-8791. On 1.7.2020 when he was proceedings towards Kolhapur MIDC in his truck loaded with Soyabean along with companion driver at about 12.30 a.m, four unknown persons intercepted their truck by two motorcycles and restrained the truck from proceedings ahead. They forced the driver to stop the truck. One person was holding a sword. He threatened to handover money and mobile phone to them. One of the accused slapped the complainant and robbed Rs.2000/- from his shirt and another accused removed mobile phone from Rakesh. Meantime police patrolling car came there. Therefore, accused started running away from the spot and the police were successful in apprehending one of them while other three accused succeeded in escaping. On this basis, FIR is lodged. In the FIR, it is mentioned that the applicant's name was given by the apprehended accused.

5. Learned counsel for the applicant states that there is

absolute no material against the applicant. Statement of the accused made in the presence of the police is not admissible against the present applicant. He submitted that the applicant is 21 years old and therefore, he deserves leniency in this case particularly when there is no case against him. No weapon or property is found in possession from the applicant. Learned APP could not controvert these submissions.

6. Identification Parade is not held. Apart from the first informant, there are statements of the police Constable Arjun Sudam Tadge and one Dilip Pagare who have chased, apprehended and arrested the accused. However, their version does not travel beyond the FIR. Statement made by the arrested accused in presence of the police is not admissible. Apart from that, there is absolutely no material against the applicant. There is no criminal antecedents against him. Hence, he deserves to be released on bail.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No.199 of 2020 registered with Yeola Taluka Police Station, Nashik, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)