

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

CRIMINAL BAIL APPLICATION NO. 690 OF 2021

Sachin Mahadeo Gejage Applicant

Versus

The State of Maharashtra Respondent

Mr. Prashant R. Suryavanshi i/b. Gajanan M. Savagave for
Applicant.

Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22th MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 296 of 2019 registered at Yavat police station, Pune, under sections 395, 365, 347 and 413 of the Indian Penal Code (for short 'IPC'). Subsequently, section 3(1)(ii) and 3(4) of The Maharashtra Control of Organised Crime Act, 1999 were added. The applicant was arrested on 01/04/2019 and since then he is in custody. The investigation is over and the charge-

sheet is already filed.

2. Heard Shri. Prashant Suryavanshi, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Ramprasad Rathod on 28/03/2019. He has stated that, he was a driver with Shridev Transport company. On 25/03/2019 he had loaded his truck from Rajasthan. He had loaded 31 ton of wheat. He was accompanied by another driver Nandlal Thakur. They were travelling towards Goa for unloading that truck in Goa. On 26/03/2019, at about 9:30p.m. they were intercepted by a Wagon R car. Three persons got down from the car. One person entered the truck from his side. The others entered from the other side. He was pushed aside. They started driving the truck. The mobile phones of the complainant and his companion were removed. The truck was driven for some distance, then the informant and Nandlal were made to sit in the Wagon R car. The truck was taken away. The informant and Nandlal were taken to various places during night and on the next day morning both of them were left at a secluded spot near Baramati. After that they

approached the employees at Toll Plaza. Then the truck owner was informed. Thereafter the police were informed and F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, the applicant is in custody since 30/07/2019 and, therefore, bail should be granted to him. He does not have antecedents and the charge-sheet is already filed. Therefore, no further purpose will be served by keeping him in custody.

5. Learned APP opposed this application. He relied on identification parade of the applicant. He submitted that the confessional statement recorded of co-accused Sagar Chavan also makes a reference to the role played by the present applicant.

6. I have considered these submissions and with the assistance of both learned counsel, I have perused the charge-sheet. The informant's version is supported by the statement of Nandlal Thakur who was another driver in the same truck. He has given narration of the incident in the same fashion as narrated by the first informant in the F.I.R. After arrest of the accused, both these witnesses were asked to identify the suspects. The

identification parade was held on 26/07/2019. In that parade, both these witnesses have identified the present applicant. The applicant was arrested immediately after the incident. This is a seriously incriminating piece of evidence against the present applicant. The applicant is facing offence punishable under MCOC Act. In the confessional statement of accused Sagar, it is mentioned that the applicant was with Sagar during the actual incident, Sagar's statement shows that both of them had even tried to sell the wheat at Natepote. Thus, there is sufficient evidence against the present applicant showing his complicity in the present offence. No case for bail is made out.

7. The application is rejected.

(SARANG V. KOTWAL, J.)