

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 580 OF 2020

Rahul Kanhaiya Solanki	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Ms. Keral Mehta i/b. Mr. Raviraj Paramane, Advocate for Applicant.
Smt. M.H. Mhatre, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 30th October, 2021.

PC. :

1. This is the Application under Section 439 of the Criminal Procedure Code for bail in C.R. No. 269 of 2018, dated 22nd August, 2018, registered with Bhiwandi City Police Station, Thane, under Sections 328, 420 read with 34 of the Indian Penal Code.

2. Heard Ms. Mehta, learned Advocate for the Applicant and Smt.Mhatre, learned A.P.P. for the Respondent-State. Perused charge-sheet.

3. The First Information Report is lodged by Smt.Vaijanta M. Gade, aged about 65 years. It is the prosecution case that, on 22nd August, 2018 at about 12.00 pm, when the informant was proceeding towards her house, two unidentified persons between the age group of 25 to 30 years approached her and under a false pretext requested her to help them. They further requested her to accompany them to a restaurant. At the restaurant, they gave her

‘Lassi’/‘Butter Milk’, spiked with stupefying substance. After drinking the said ‘Lassi’, informant become semi-conscious and started feeling giddiness. The said two persons thereafter took her towards road side and when the informant was in a semi-conscious condition, removed ornaments from her person and fled away from the scene of offence.

4. The record further indicates that, the informant immediately lodge the crime with Bhiwandi City Police Station under Sections 328, 420 read with 34 of the Indian Penal Code.

During the course of investigation, Applicant came to be arrested on 7th November, 2019. The ornaments of the informant were recovered from a jeweller’s shop, namely, ‘Minakshi Jewellers’ owned by Amraram B. Chaudhari, by effecting a recovery panchnama dated 9th November, 2019 under Section 27 of the Evidence Act. Informant has identified the said ornaments and her statement dated 9th November, 2019 has been recorded in that behalf.

5. Learned counsel appearing for the Applicant submitted that, before conducting the test identification parade of the Applicant, CCTV footage wherein Applicant was seen was shown to the informant and therefore the test identification parade is vitiated. She therefore submitted that, the Applicant be granted benefit of reasonable doubt at this stage and may be released on bail.

6. Learned A.P.P. pointed out that, since the date of commission of offence, i.e. 22nd August, 2018, the Applicant was absconding and came to be arrested on 7th November, 2019. That there are 10 other cases of similar nature with same modus operandi are registered against the Applicant. She drew my attention to the list of cases mentioned in the recovery panchnama dated 9th November, 2019 wherefrom various other ornaments are also recovered from the said shop, which are involved in different crimes.

7. Perusal of record further indicates that, the Applicant is involved in all 11 crimes including the present crime and has specialization in the said modus operandi. It appears from record that, in the year 2018 itself, there are four other crimes are registered at different police stations against the Applicant with the use of same modus operandi. It is to be noted here that in all the said crimes senior citizens are the victims of the Applicant, and absconding co-accused, namely, Mukesh @ Kallu Rathod. It thus appears that, the Applicant is a habitual offender.

8. After taking into consideration the aforestated facts, gravity of offence and nature of allegations against the Applicant, this Court is of the considered view that, the Applicant does not deserve to be released on bail.

Application is accordingly rejected.

[A.S. GADKARI, J.]