

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

CRIMINAL BAIL APPLICATION NO. 1224 OF 2021

Rajesh Bansi Pawar

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Dr. Uday P. Warunjikar for Applicant.

Smt. P. P. Shinde, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th MAY, 2021

(Vacation Court)

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 205 of 2020 registered at Kalachowki police station, on 17/11/2020, under sections 170, 171, 419, 420, 465, 468, 471, 474, 385, 392 and 120-B of the Indian Penal Code (for short 'IPC'). The applicant was arrested on 12/11/2020 and since then he is in custody. The investigation is over and the charge-sheet is already filed.

2. Heard Dr. Uday Warunjikar, learned counsel for the applicant and Smt. Shinde, learned APP for the State.

3. The prosecution story is reflected in the F.I.R. itself lodged by one Bharatji Kothari. He has stated that, on 12/11/2020 when he was going towards his shop on his Activa scooter, he was intercepted by a motorcycle rider. The said unknown person got down from his vehicle and removed key of the informant's scooter. The informant thought that said person was a police officer. That unknown person was joined by one more unknown person. After second unknown person came, the first unknown person went away from there. The second unknown person told the informant that he was a high ranking officer of N.I.A. He directed the informant to accompany him. That person took the informant to an open ground near Gundecha garden. There he told the informant that they have received the information about the informant that he was selling gold by preparing forged bills. He told him that, there was proposal of filing case against him and that he was to be arrested. He then kept the informant in a Taxi and went near Bharatmata theater. The said person had shown

him a visiting card mentioning his name as Vijay Singh. The informant took a photograph of that visiting card. The said person demanded Rs.25 lakhs from the informant. The amount was negotiated to Rs.16 lakhs. The said person then called one more unknown person. That person brought Activa scooter near Bharat Mata Cinema hall. The person who claimed to be Vijay Singh told the informant to pay Rs.16 lakhs to the person who had brought informant's scooter. The person claiming to be Vijay Singh then left the place. The informant then told the third unknown person to take the vehicle near Voltas company. The informant contacted his cousin Sunil Nanesha and told him about his difficulty. Sunil was making an attempt to raise money. In the meantime, Sunil got suspicious and informed the police. The police arranged to lay trap. They came at the spot and arrested the person who was accepting money from the informant. The person who was arrested gave his name as Sachin Magar and told the police party that his main accomplice Mahesh Panchvaktra was staying at a hotel in Vakola. The police went to that place and arrested the person who had demanded Rs.25 lakhs. On this basis the F.I.R. was

lodged.

4. Learned counsel for the applicant submitted that, there is absolutely no material against the present applicant. One person was caught at the spot. He had given his name as Sachin Magar. Even that person has not named the applicant. He had named Mahesh Panchvaktra who was arrested from a hotel at Vakola. They had one more accomplice named Iqbal. He submitted that, there is no identification parade held to enable the first informant to identify the applicant to show whether the applicant had played any part in the entire episode. There is no recovery of any keys at the instance of present applicant.

5. Learned APP opposed this application and submitted that the offence is serious and, therefore, bail should not be granted to the applicant.

6. I have considered these submissions. As rightly submitted by Dr. Warunjikar, there is hardly any material against the present applicant. The prosecution case appears to be that applicant was the first person who had intercepted the informant's Activa scooter at the first instance. However, there is nothing on

record to support even that contention. Learned APP, from the entire charge-sheet, could not point out any material whatsoever against the present applicant. There was no recovery at his stance. There is no identification parade held showing applicant's complicity. In this view of the matter, the applicant cannot be detained in custody during the entire period of trial. He can be released on bail.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 205 of 2020 registered at Kalachowki police station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)