

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1825 OF 2021

Pravin Popat Bhosale .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Pandurang A. Pol i/b Pol Legal Juris for the Applicant.

Mr.A.R.Kapadnis, APP for the State.

Mr.P.R.Dixit attached to Dahiwadi Police Station present.

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CORAM: BHARATI DANGRE, J.

DATED : 9th JULY, 2021

P.C:-

1. The applicant came to be arraigned as an accused in connection with C.R.No.431 of 2020 registered with Dahiwadi Police Station for the offences punishable under Sections 395, 497 and 420 of the IPC. He came to be charge-sheeted on 08/01/2021 and remain incarcerated since the date of his arrest i.e. 21/10/2020. The submission on behalf of the applicant is, the investigation is complete and the applicant being an illiterate labourer, cannot be detained any further in light of the sketchy material compiled against him in the charge-sheet.

2. The complainant allege that on 17/10/2020, accused No.1 stopped him on the road and informed him that his friend is in dire financial need and he has some gold with him, which

can be exchanged for a meager amount. When the complainant expressed his inability to purchase the said gold, accused No.1 persisted with his demand on the next day and the complainant fell into the trap and assured him that he will arrange the money within two days. On 20/10/2020, accused No.1 inquired whether he has arranged for money and the complainant informed that he arranged for Rs.1,80,000/-. He received the phone call from accused No.1 asking him to get ready to accompany him and he fetched him from his house. At that time, complainant pocketed sum of Rs.1,80,000/- and rode on his motorcycle, which followed the route of Vaduj-Dahiwadi Road via Gondavale Road. When they were passing nearby a canal at about 3.30 p.m. in the afternoon, the motorcycle was stopped by accused No.1 by expressing that he wanted to urinate. While they were urinating, accused No.1 caught hold of him from behind and gave some signal in 'paradhi' language, consequent to which, four persons, who had placed themselves near the canal, rushed towards him. One of the person was named by the complainant and the other three persons were described by their colour, height and body structure. It is alleged that all the four assaulted him by fist and blows and one tall person brandished a knife at him. Thereupon the co-accused Abhijeet picked up his pocket and the remaining two unknown persons pulled the amount of Rs.1,75,500/- from his pant pocket. He was threatened not to disclose the incident to anybody.

3. The supplementary statement of the complainant came to be recorded, approximately after two months, and to be

precise on 18/12/2020, pursuant to a test identification parade held on 6/11/2020. The complainant states that he was knowing accused Abhijeet since the inception, but name of the two accused persons were made known to him during the TI parade, being Pravin Bhosale (applicant) and Sachin Raichur Shinde. He improved his version in the supplementary statement and alleged that it is the applicant and co-accused Sachin, who picked up an amount of Rs.1,75,000/- from his pocket.

4. The allegations were investigated and the charge-sheet is filed. The applicant has been identified in the TI parade whereas the main accused Lakhan Popat, the brother of the applicant, is absconding. The charge-sheet does not attribute any recovery from him. Further more, he has no antecedent to his credit and no apprehension has been expressed by the prosecution that he is likely to flee the courts of justice. The applicant earns his livelihood by undertaking petty labour work and his submission is that he has five children, who are dependent upon him.

Prima facie, the material compiled in the charge-sheet against the present applicant indict him in the offence, but this will have to be determined during the trial. In the wake of allegations levelled in the FIR and the material compiled in the charge-sheet and when no recovery is effected from the applicant, he is entitled to be released on bail, subject to the stipulation that he would continue to reside outside village Khataav, District Satara, during the pendency of the trial.

: ORDER :

- (a) Application is allowed.
- (b) Applicant - Pravin Popat Bhosale shall be released on bail in C.R.No.431 of 2020 registered with Dahiwadi Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with the prosecution evidence.
- (d) The applicant shall report to Dahiwadi Police Station once in fifteen days between 10.00 a.m. and 1.00 p.m., till framing of charge.
- (d) The applicant shall not set his foot in village Khatav.

SMT. BHARATI DANGRE, J