

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

CRIMINAL BAIL APPLICATION NO. 1812 OF 2021

Kapil Raju Jadhav

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Shrishail Sakhare, for the applicant.

Smt. J.S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th JUNE, 2021

(Through Video Conferencing)

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. 770 of 2020 registered at Solapur Taluka Police Station, Solapur, under section 395 of the Indian Penal Code. The applicant was arrested on 25/12/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Shrishail Sakhare, learned counsel for the applicant and Smt. J.S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Tayyab Phulari on 20/12/2020. He has stated that on 19/12/2020, in the morning, he had loaded his truck with 25 tons of onion from Shrirampur Market yard. The truck was to be taken to Vishakhapatnam. At about 10.30 p.m. the informant had crossed Solapur and had reached about 2 km ahead of Boramani village. At that time, one Innova car intercepted his truck. It did not have number plate. The informant stopped his truck. Four persons got down from that car. Driver waited in the car. Two persons entered the truck from driver's side and other two entered from cleaner's side. They started abusing and threatening the informant and his companion. They pulled them down. The accused tried to make them sit forcibly in the Innova car. In the process, the informant suffered injuries to his left toe. Somehow, the informant and his companion managed to escape and they started running towards Hyderabad road. They saw that Innova car and truck were taken to Hyderabad. The informant went to one Dhaba and by using someone's mobile phone, informed the incident to his owner. Police were informed and the FIR was lodged for loss of truck 25

tons of onion worth Rs. 10 lakhs.

4. Learned Counsel for the applicant submitted that the investigation is over. Goods are already seized. Nothing further remain to be seized. Therefore further custody of the applicant is not warranted. He submitted that medical certificate of the informant shows that there was abrasion on the right toe but in his own FIR the informant has stated that there was injury on his left toe. Therefore, entire prosecution case is false.

5. Learned APP opposed this application and submitted that the applicant was identified in the identification parade. There is sufficient material against the present applicant. Bail should not be granted to the applicant.

6. I have considered these submissions. With the assistance of both learned Counsel, I have perused the charge-sheet. The first informant was asked to identify the applicant in the identification parade held on 13/01/2021. The informant had

duly identified the applicant during that parade. There is another circumstances in the nature of seizure of onion. In that context, police have inquired with Sajid Kamtekar, Sadashiv Shinde and Altaf Bagwan. Panchnama dated 25/12/2020 is recorded to that effect. All of them have stated that the onion was sold to them by the applicant. The applicant was taken to their shops. The applicant had sold 158 bags worth Rs. 03,16,000/- to Sajid Kamtikar. He had sold 240 bags worth Rs. 04,80,000/- to Sadashiv Shinde and had sold 77 bags to Altaf Bagwan worth Rs. 1,54,000/-.

7. Thus, there is sufficient material against the present applicant. It is a serious offence involving highway dacoity in the night time. In this view of the matter, it is not proper to release the applicant on bail. Therefore, no case for bail is made out.

8. The application is rejected.

(SARANG V. KOTWAL, J.)