

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

CRIMINAL BAIL APPLICATION NO. 1154 OF 2020

Ajay Dattatray Pandhare

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Ajit J. Kenjale for Applicant.

Mr. S. H. Yadav, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd MARCH, 2021

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 507 of 2019 registered with Vadgaon Nimbalkar police station on 30/11/2019, under sections 395, 341 and 120-B of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Ajit Kenjale, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Sandeep Thombre. He has stated that, he was

working with a company. He was entrusted with a job of putting cash in ATM machine. On 30/11/2019, he was carrying cash of Rs.43 lakhs and he was going towards ICICI bank at Pawar wadi, Tal. Phaltan, District Satara. Their vehicle was intercepted by two motorcycles. Five persons got down from them and at the point of knife all the cash amount kept in three bags were robbed. The informant was travelling with Somnath Shinde and driver Sudhir Bhise. All of them were shown knife and, therefore, they could not do anything. The offenders removed ignition key of the car and threw it at some distance on the road. They went away on their two wheeler. Thereafter this F.I.R. was lodged.

4. The investigation was carried out and charge-sheet shows that the actual offenders who had committed robbery were immediately arrested after the police imposed *nakabandi* in the area. Two accused were arrested with cash. Subsequently, three accused were arrested and majority of cash was recovered. The allegation against the present applicant is that he was constantly in touch with the other accused throughout the day. He was arrested on 01/12/2019. The investigation was carried out and the charge-

sheet is filed.

5. Learned counsel for the applicant submitted that, all the accused who had actually committed robbery were granted bail by the sessions court. The applicant's role is much lesser and, therefore, he deserves to be released on bail on the ground of parity.

6. Learned APP opposed this application. He submitted that, there is a statement of one Somnath Shinde who was with the informant at the time of incident. This witness has stated that, usually the applicant used to provide his car for carrying cash, but on that day he did not give his car. That shows his knowledge about the incident and his possible participation. The papers also show call data record mentioning that applicant was in touch with other three accused throughout the day from 09:00a.m. to 5:00p.m.

7. I have considered these submissions. The main offenders i.e. the persons who had actually committed robbery are granted bail. That order is not challenged by the State. The applicant was not at the spot. The applicant can be roped in only

on drawing inference that he has not provided car on that day and that he was in touch with other offenders telephonically. These two circumstances are required to be taken into consideration during trial, however, on principle of parity the applicant's role is much lesser. Nothing is recovered from him. He has no criminal antecedents and in the entire charge-sheet, apart from this CDR, there is nothing to show that the applicant had hatched conspiracy to commit this offence. Therefore, mainly on the ground of parity the applicant can be released on bail.

8. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 507 of 2019 registered with Vadgaon Nimbalkar police station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)