

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

CRIMINAL BAIL APPLICATION NO. 2640 OF 2021

1. Raja Ranu Adivashi	
2. Fariste Bhura Adivashi	
3. Dadda Ranu Adivashi	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Shailesh Dhananjay Chavan for the Applicants

Ms. Anamika Malhotra, A.P.P for the Respondent–State

PSI Mr. M. S. Talbar from Dhebewadi Police Station is present

API Mr. Ajay Gorad from Umbraj Police Station is present

CORAM : REVATI MOHITE DERE, J.

FRIDAY, 1st OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicants seek their enlargement on bail in connection with C.R. No. 94/2021 registered with the Umbraj Police Station, Satara, for the alleged offences punishable under Sections 395 and 397 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Indrajeet @ Vaibhav Sunil Kamble, aged 21 years, the applicants called him and told him to find a purchaser for their gold ornaments weighing around 1 kg. According to the complainant, on 26th February 2021, around 8:30 p.m, the applicants asked the complainant to come to Umbraj to see the gold ornaments weighing around 750 gms, valuing Rs. 18 lakhs. According to the complainant, the applicants asked him and his 2 friends how much money they were carrying, to which, he disclosed that they had Rs. 12,000/-. It is the case of the complainant that pursuant thereto, the applicants assaulted him with a wooden log and iron bar and took away his Rs. 12,000/-. According to the complainant, he somehow managed to escape from the clutches of the accused.

4 A perusal of the injury certificates of the complainant and his 2 friends which are at pages 86, 87 and 88 show that although the said persons have given history of physical assault, however, on external examination, no injuries were found on their person.

5 Learned counsel for the applicants submits that the applicants were made scapegoats by the police in 3 cases i.e. CR No. 93/2021, the

present CR (CR No. 94/2021) and another CR being CR No. 95/2021. The complainant is only aged 21 years, unknown to the applicants and therefore, the prosecution case, that the applicants asked him to find a customer to buy gold is unbelievable and false. There is some substance in the said submission. *Prima facie*, it appears that a false case is foisted on the applicants, who appear to have come from Madhya Pradesh, in search of job; after the first C.R. was lodged against them.

6 Considering the aforesaid, further detention of the applicants is not warranted. Investigation is complete and charge-sheet is filed. Accordingly, the application is allowed and the applicants are enlarged on bail, on the following terms and conditions :

ORDER

(i) The applicants be enlarged on cash bail in the sum of Rs. 5,000/- each;

(ii) The applicants shall inform their latest places of residence and mobile contact numbers immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iii) The applicants to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted;

(iv) The applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7 The application is accordingly disposed of in the aforesaid terms.

8 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.