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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3368 OF 2021**

Vipul Ananda Chambaria

....Applicant.

V/s

The State of Maharashtra

.....Respondent

Mr. Vinod Kashid for the Applicant.

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

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 04, 2021

P.C.:-

1] On 27/4/2020, Applicant/Accused No.1 came to be arrested in Crime No.251 of 2020 registered with MIDC Police Station for the offence punishable under Sections 454, 457, 380, 109, 120B read with Section 34 of the Indian Penal Code.

2] Submissions of Mr. Kashid, learned Counsel for the Applicant are, prosecution case speaks of recovery of stolen gold articles from the Applicant to the tune of Rs 6 crores. According to him, such recovery is pursuant to discovery under Section 27 and he would claim that memorandum demonstrates that discovery of key is shown to be at the instance of the Applicant, whereas record speaks that key of the

vehicle was already seized by the Investigating Officer. As such, according to him, key was planted so as to falsely implicate the Applicant in crime in question. He would further claim that other four accused in the similar set of facts are ordered to be released on bail by this Court and one by the Sessions Court. As such, according to him, application is liable to be allowed.

3] Learned APP has opposed the prayer.

4] Considered aforesaid submissions.

5] Variance on the issue of discovery of key of the vehicle which is used in commission of crime, in my opinion, need not be gone into at this stage, particularly when statement of the vehicle owner Mr. Sachin and the user of the vehicle Mr. Aditya speaks of handing over vehicle to the Applicant from whom same was recovered. In the aforesaid backdrop, claim that gold ornaments were intentionally shown to have been recovered from the Applicant by falsely implicating him that too by handing over key of the vehicle Activa need not be gone into at this stage.

6] Apart from above, this Court on 16/7/2021 has already disposed of the Application for Bail filed by the Applicant, thereby permitting him to unconditionally withdraw the same. I see no fresh circumstances which warrant consideration of the present application as the issue which is sought to be canvassed in this application was very much available in the earlier application which was allowed to be withdrawn. As such, present application stands rejected.

(NITIN W. SAMBRE, J.)