

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.582 OF 2021

(Shubham @ Kenya Maruti Daf Vs. The State of Maharashtra thr. PSO PS Kalamb,
District Yavatmal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for Applicant.
Mrs. K.R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 11th AUGUST, 2021.

The applicant is seeking bail in connection with Crime 60/2021 registered with Police Station Kalamb, District Yavatmal for offences punishable under sections 395, 397 and 120-B read with section 34 of the Indian Penal Code.

2. The case of the prosecution is that the first informant Ramdas Chaudhari and his brother Devidas are commission agents and operate from A.P.M.C. Ralegaon. While the complainant and his brother were returning home, on 25.01.2021 unknown persons assaulted them and snatched bag containing Rs.21 lakhs. During the course of the investigation the applicant came to be arrested and pursuant to memorandum recorded under section 27 of the Indian Evidence Act, cash amount of Rs.67,700/- was seized from his house. Additionally, on the basis of information disclosed, one Scorpio vehicle which was purchased in the name of the mother of the applicant from the proceeds of the crime, was seized.

3. The Investigating Officer has recorded the statement of the maternal uncle of the applicant Mahesh Wanjari. The statement is to the effect that on 26.01.2021 he witnessed the applicant and five others consuming liquor in the agricultural field of Pawan @ Pravin, who is also a maternal uncle of the applicant. At the spot, various bundles of currency in the denomination of Rs.2000, Rs.500, Rs.200, Rs.100, Rs.50/- and Rs.10/- were stacked. Mahesh Wanjari noticed that the applicant had sustained some injuries on the right hand, which was bleeding. When Mahesh Wanjari confronted the applicant, he was asked not to be bothered and that the situation would be handled by the applicant Shubham. Mahesh Wanjari then states that Shubham and his friends requested him to distribute the cash and he complied.

4. In my considered view, there is more than ample material on record to connect the applicant with the dacoity.

5. Considering the close relationship with the most important witness, the possibility that the applicant would be in a position to subvert the course of the trial, cannot be ruled out. No case for grant of bail is made.

6. The application is dismissed.

JUDGE