

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 1286 OF 2022

Siddharth U. Sonawane

...Applicant

V/s.

State of Maharashtra

...Respondent.

Mr. P.G. Sarda for the Applicant.

Mr. V.B. Konde-Deshmukh, APP for the Respondent/ State.

API Netaji S. Bandgar, Solapur Taluka Police Station present.

CORAM : N.R. BORKAR, J.
DATE : 11.11.2022.

P.C. :

1. This is an application under Section 439 of Code of Criminal Procedure for grant of bail.

2. The applicant came to be arrested in C.R. No. 771 of 2021 registered at Solapur Taluka Police Station for the offences punishable under Sections 395, 341, 364(A), 365 and 120-B of the Indian Penal Code and under Section 3 read with 25 of Arms Act.

3. According to the prosecution, at the relevant time, the complainant was running petrol pump. It is alleged that on the day of incident which took place on 21 September 2021, the complainant was returning home and at that time he was carrying Rs.5,70,420/- from his petrol pump business. It is alleged that the

complainant on the way to his home was accosted by accused Nos.1 to 5. They assaulted him and took away the amount which the complainant was carrying. It is alleged that the present applicant was one of the conspirators to commit alleged dacoity.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent - State.

5. The learned counsel for the applicant submits that there is no material in the charge-sheet to connect the present applicant with alleged crime. It is submitted that the applicant is in jail for more than one year and his further detention is not necessary as the investigation is over and the charge-sheet is filed. It is submitted that there are no criminal antecedents. It is therefore, submitted that the applicant may be released on bail.

6. On the other hand, the learned APP for the State submits that the applicant is involved in serious offence of dacoity. It is submitted that the conspiracy to commit the dacoity was hatched in the hotel room which was booked by the present applicant. It is submitted that the prosecution has collected the C.C.T.V. footage

of the said hotel and the present applicant can be very well seen in said CCTV footage with other co-accused. It is submitted that statements of co-accused would show that the present applicant was part of conspiracy to commit dacoity. Accordingly, it is submitted that the application may be rejected.

7. There is a statement of hotel Manager that hotel room where the alleged conspiracy was hatched to commit the dacoity was booked by the present applicant. In addition to it, there is the evidence in the form of CCTV footage of the hotel, wherein according to the prosecution, the present applicant can be seen with other co-accused. Considering these facts and the nature of offence, I am not inclined to release the applicant on bail. Accordingly, Bail Application is rejected.

[N.R.BORKAR, J.]