

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1695 OF 2021

Revannath Prabhakar Jadhav

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. P. G. Sarda for the Applicant.

Mr. Y.Y.Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 3 MARCH 2022

P.C.

1. By this application, the Applicant is seeking release on bail in Crime No. 296 of 2019 of Police Station Yavat, District Pune under Section 395, 365, 347, 413 of IPC. Subsequently Section 3(1) (ii), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 ('MCOC Act' for short) were added in the crime.

2. The Applicant was arrested on 01.04.2019 and is in custody since then.

3. I have heard the learned counsel for the parties and perused record.

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4. The FIR in this case was lodged by Ramprasad Rathod on 28.03.2019. The informant is a driver, working with Shreedevi Transport Company, Rajasthan. On 25.03.2019, the informant had loaded his truck in Rajasthan with 31 tones of wheat and he was proceeding from Rajasthan to Goa. The informant was accompanied by another driver Nandlal Thakur. On 26.03.2019 at about 9.30 p.m., the truck was intercepted by a Wagon R car from which three persons got down. They entered the drivers cabin. One of the persons took charge of the vehicle and other two had caught hold of the informant. The truck was driven for some distance and thereafter the informant was forced to sit in wagon R car and the truck was taken away. The informant was taken to various places during the night in the Wagon R car and was dropped at a secluded place near Baramati. The informant and other driver Nandkumar took help of some employees of Toll Plaza and informed about the incident to the owner, after which, the complaint was lodged and the offence came to be registered.

5. It appears that after the arrest of the Applicant, an identification parade was conducted, in which the Applicant has been identified by the witnesses.

6. The learned counsel for the Applicant has taken exception to the identification on the ground that the same is not conducted as required by the provisions of the criminal manual. It is

submitted that the same is belated. He submits that solitary circumstance of the identification is not sufficient to show the involvement of the Applicant in the incident. The learned counsel has relied upon the order passed by this Court dated 13.07.2021 in Bail Application No. 445 of 2020 of co-accused Suraj Gade only for the purpose of demonstrating that this Court has taken a view that provisions of MCOC Act are not attracted. The learned counsel for the Applicant in all fairness did not dispute that except this, the parity does not arise with Suraj Gade inasmuch as Suraj Gade was not identified in the test identification parade.

6. There is another co-accused Sachin Gejge, whose application for bail being Bail Application No. 690 of 2021 has been rejected by this Court on 22.03.2021. Although an attempt was made on behalf of the Applicant to distinguish the case of the present Applicant than that of Sachin Gajge, I find that the case of the Applicant lies on the same footing as even Sachin Gajge has been identified in the Test Identification Parade.

7. The learned APP points out that there is recovery of 305 gunny bags of wheat, at the instance of the present Applicant. Thus, no case for grant of bail is made out. The criminal application is accordingly rejected.

8. It is made clear that the observations herein are essentially of a prima facie nature and the learned Sessions Judge shall not be influenced by the same at the trial.

(C.V. BHADANG, J.)