

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

CRIMINAL BAIL APPLICATION NO. 2322 OF 2021

Akash @ Sonya Balasaheb Bhujbal	..Applicant
Vs.	
The State of Maharashtra	..Respondent

Mr. Zaid Qureshi, for the Applicant.
Ms. M. R. Tidke, APP for the Respondent / State.

**CORAM : C.V. BHADANG, J.
DATE : 31 JANUARY 2022
(Through Video Conferencing)**

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P.C.

. By this Application, the Applicant – Accused No.4, is seeking bail. The Applicant alongwith others has been chargesheeted for the offence punishable under Section 395, 120-B, 392, 412 r/w. 34 of IPC, arising out of Crime No.1036/2020 of Police Station Chakan, Tehsil Khed, District Pune.

2. The prosecution case is that there were four unidentified persons who came on motorcycle and intercepted the container truck bearing No.MH12-PQ-5301 of the first informant. The four persons boarded the container and looted the spare parts worth Rs.8 Lakh which were being transported in the container alongwith

Rs.1500/- from the person of the first informant. On the basis of the complaint lodged by Ankush Kendre about the incident, which happened on 5 September 2020, at about 2.30 p.m. the offence came to be registered.

3. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

4. *Prima facie*, it appears that there was a Test Identification Parade held during the course of investigation on 3 February 2021 of which the record is produced at page Nos.182 to 185 of the compilation. It appears that the identifying witness did not identify the Accused No.2 and the present Applicant (Accused No.4).

5. Learned APP pointed out the observation by the learned Sessions Judge that the Applicant has identified the present Applicant which however is not borne out of the record. Learned APP, in all fairness, did not dispute that there is nothing on record and particularly, the memorandum of the TIP to show that the Applicant has been identified. The investigation is complete and the chargesheet is filed. There is no recovery at the instance of the Applicant.

6. In such circumstances, the following order is passed.

ORDER

1. The Applicant Akash @ Sonya Balasaheb Bhujbal be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
2. The Applicant shall undertake to remain present before the learned Sessions Judge during the course of trial.
3. The Applicant shall not tamper with the prosecution evidence / witnesses and shall not indulge into similar act, while on bail.
4. In the event of breach, the bail is liable to be cancelled.
5. The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.