



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1997 OF 2023

RAMESH RAJARAM JASAK
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. B. S. Deshmukh, Advocate for the Applicant.
Mrs. P. J. Bharad, APP for Respondents-State.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.93/2023 registered with Shani Peth Police Station, Dist. Jalgaon for the offences punishable under Sections 394, 203 and 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the statement of Rahul Madhukar Mahajan, who was working as Bank Manager. It is alleged that on 01.06.2023 at about 09.45 am when informant came to the Bank he noticed that door of the Bank was closed from inside. He saw two persons inside the Bank who were wearing helmets. When the informant knocked the door, they opened it and caught hold him and thrashed him into the washroom where other employees of the Bank were already confined putting mouth sticks. The accused persons sprayed itching liquid on his eyes and forced him to hand over the keys. Thereafter, he was taken to the cash room alongwith accused Manoj and under the threat of knife, they forced Manoj to open cash room. The Manoj had scuffled with one of the accused due to which his helmet felled down. The informant seen his face. The accused persons stabbed the informant with knife on his thigh.

Thereafter, accused person removed cash from the safe deposits, so also opened safe deposit gold vault and under the threat of knife removed the same and flee away. The cash worth Rs.17,10,370/- and gold ornaments worth Rs.3,60,00,000/- were robbed in the said incident. On the basis of aforesaid information, Crime No.93/2023 came to be registered against unknown culprits. During the course of investigation, the applicant has been arrested on 03.06.2023. Since then, he is behind the bar. The investigation progressed. After due investigation, charge-sheet came to be filed against in all three accused persons including the applicant. The accused no.1 is son of the applicant. The accused no.3 is employee of the Bank.

3. Mr. Deshmukh, learned Advocate appearing for the applicant submits that the applicant has been falsely implicated in the aforesaid crime. There is no evidence in the entire charge-sheet to suggest complicity of the applicant in commission of the offence. The arrest of the applicant is based on suspicion. The incriminating articles are recovered from accused no.1. No such recovery is made from the applicant. He would submit that the applicant is aged about 68 years. There is no criminal antecedent to discredit the applicant. The investigation in the matter is complete. Further, detention of the applicant would not be necessary.

4. The learned APP strongly opposes the prayer for grant of bail. She would submit that the applicant is father of accused no.1 from whom incriminating articles are seized. The identification parade is conducted. The accused no.1 is identified by the first informant, who had seen his face at the time of incident. She would invite attention of this Court to the statement of the daughter-in-law of the applicant, which suggest

that accused no.1 had made disclosure of the offence to her and took the name of the applicant as his companion. She would, therefore, submit that there is sufficient material to bring home guilt against the applicant.

5. Having considered submissions advanced, it is apparent that first informant reported the incident to the police against unknown culprits. The contents of the FIR show that the culprits were wearing helmets at the time of commission of the offence and during the scuffled face of one of the culprit was seen when his helmet fallen down. The test identification parade is carried in which accused no.1 has been identified. The applicant is father of accused no.1. The investigation papers nowhere suggests that the applicant was identified as companion of accused no.1. Although there is reference of CCTV footage, the script of CCTV footage is not made part of the charge-sheet. Even otherwise, the robbers were wearing helmets and accused no.1 was only identified by the informant.

6. It is sought to be contented that in the CCTV footage present applicant was found while putting cash in his pocket. Apparently, the face of the applicant was not visible. The recovery of the cash and gold ornaments is made from accused no.1-Shankar. The prosecution is relying upon the statement of Ashwini Shankar Jasak, who is wife of accused no.1, who on the basis of the disclosure made to her by her husband states that the applicant had also participated in commission of offence. However, such disclosure would be of no consequence in absence of any other clinching material to bring home guilt against the applicant. The applicant is senior citizen aged about 68 years. He is behind the bar from 03.06.2023. The evidence in the charge-sheet is *prima facie* bereft to clinchingly bring home guilt against

applicant. In that view of the matter, case is made out for grant of bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Ramesh Rajaram Jasak, be released on bail in Crime No.93/2023 registered with Shani Peth Police Station, Dist. Jalgaon for the offences punishable under Sections 394, 203 and 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.1,00,000/- (Rs.One Lakh only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall not leave State of Maharashtra without prior intimation to the concerned Police Station.
 - c. The applicant shall attend each and every date of hearing before the Trial Court.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE