

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3078 OF 2022

Suraj Atul Parekh

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Kedar J. Patil along with Ms. Sakshi S. Kadam, Mr. Pratik Tare, Ms. Gargi Joshi and Mr. Jitesh M., Advocate for the Applicant.
Ms. Pallavi N. Dabholkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No. 191 of 2019 registered with Sangli Rural Police Station for offences punishable under Sections 395, 397 and 120-B of the Indian Penal Code, 1860, Sections 4, 25 and 27 of the Indian Arms Act and Sections 3(1)(ii), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act (for short “the MCOCA”).

2. It is prosecution’s case that on 9th July 2019 at about 2.30 am, six unknown persons entered into the cabin of two stationed

trucks and assaulted the complainant and truck owners and forcibly took away driving license, adhaar card and Rs.1500/- from the complainant and Rs.4,000/- from the truck owners. It is alleged that the amount was robbed by putting sickle on the neck of the complainant and person in the other trucks. In investigation, police arrested co-accused and applicant in connection with the crime. It is alleged that from the house search of applicant, an amount of Rs.3800/- is recovered.

3. It is the contention of learned counsel for applicant that the allegations against the applicant are that he hatched the conspiracy of robbing the truck drivers. He had sold the articles stolen from complainant and owners of truck and amount received from sale of articles was distributed amongst co-accused. Learned counsel further submitted that no test identification parade of applicant was taken to show his involvement in the crime. This Court (Coram : N.R.Borkar, J.) has released accused No.3- Santosh @ Rutik Shankar Chakranarayan @ Patre on bail. Accused No.3 has given confessional statement under Section 18 of MCOCA, in which, he has stated about the role of applicant. Learned counsel further submitted that applicant is behind bar for more than two years. Investigation is

completed, charge-sheet has been filed. Hence, requested to allow the application.

4. It is the contention of learned APP that the applicant was a part of conspiracy to rob the truck drivers. Applicant is a member of crime syndicate, there is recovery of amount at the instance of applicant. There is prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

The allegations against the applicants are that he hatched the conspiracy to rob the complainant and truck drivers. The police have arrested six persons along with accused in connection with the crime. Accused No.3, in his statement, has stated that applicant has hatched the conspiracy. Accused No.3 has been released on bail by this Court. There is recovery of Rs.3800/- from the house of applicant. Whether applicant was a part of conspiracy or not will be a part of trial. Applicant is behind bar for more than two years. Investigation is completed and charge-sheet has been filed.

6. Considering the above facts, applicant's further detention is not required, hence I pass following order :

ORDER

- (i) Applicant be enlarged on bail Crime No. 191 of 2019 registered with Sangli Rural Police Station on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
 - (ii) Applicant shall attend the concerned police station once in a month i.e. on first Saturday between 11.00 a.m. to 2.00 p.m. till framing of charge.
 - (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
 - (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
 - (v) The prosecution is at liberty to file an application for cancellation of bail, if the conditions are breached.
7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)