

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.932 OF 2022**

Vilas Raju Mirazkar

....Applicant

Versus

The State of Maharashtra and anr.

...Respondents

Mr. S. T. Pandey along with Mr. Arvind Singh, Ms. Anima Mishra, Ms. Ritu Singh, Mr. Anuj Singh, Mr. Nagesh Avhad and Ms. Kajal Upadhyay i/b. SBG Law, Advocates for the Applicant.

Ms. Anamika Malhotra, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 14th SEPTEMBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.13 of 2019 registered with Indiranagar Police Station, Nashik, for offences punishable under Sections 394, 396, 397, 120-B of Indian Penal Code, 1860, Section 4/25 of the Arms Act and Section 3(1), 3(2) and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is prosecution's case that on 8th January 2019 between 9.45 pm to 10.00 pm, the husband of first informant - Avinash was

coming to his house after taking cash from his shop viz. Super Grahak Bazar. At that time, five unknown persons robbed him at parking of Ganadhiraj Apartment and assaulted him with deadly weapons. They also took away his bag containing cash of Rs.6,00,000/-, bunch of keys of the shop, ATM card, cheque book etc. After hearing the cries, the informant reached the parking lot and found her husband lying in pool of blood. Thereafter, the victim was admitted in the hospital, where he died while taking treatment. Thereafter, report was lodged by the first informant. During investigation, it was revealed that applicant and co-accused had committed the said crime.

3. It is contention of learned counsel for applicant that applicant has been falsely implicated in this case. No one witnessed the incident and on the basis of suspicion, police has arrested the applicant. Applicant is behind bar for more than four years. Investigation is completed and charge-sheet has been filed. Hence, requested to allow the application.

4. Learned APP submitted that applicant is a gang leader and knife used in the crime is recovered at the instance of applicant. Learned APP further submitted that, robbed amount of Rs.60,000/-

debit card, cheque book of the deceased are recovered at the instance of applicant. Eye-witness identified the applicant in identification parade, it shows his involvement in the crime. There is confessional statement of co-accused - Chima showing involvement of the applicant in crime. Hence, requested to reject the application.

5. I have heard both learned counsel, perused FIR and charge-sheet. At the instance of applicant, the knife used in the crime is recovered as well as, robbed amount of Rs.60,000/-, cheque book and debit card of deceased are recovered. Eye-witness identified the applicant in identification parade. Applicant has criminal antecedents and crimes of similar nature have been registered against the applicant. Recovery of knife and articles of deceased recovered at the instance of applicant shows prima facie case against the applicant.

6. In view of above, I pass following order :

(i) Application is rejected.

(SHIVKUMAR DIGE, J.)