

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1349 OF 2022

Jitendrasingh Vijay Bahadursingh Rajput ...Applicant

V/s.

The State of Maharashtra ... Respondent

Dr.Yug Mohit Chaudhary a/w Mr.Anush Shetty, Mr.Dashrath
Gaikwad, for the Applicant.

Ms.P.N. Dabholkar, APP for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in
Crime No. 411 of 2019 registered with Ambad Police Station,
Nashik, for the offence punishable under Sections 396, 120-B,
201 of the Indian Penal Code ('IPC' for short), Sections 3 and 25
of the Arms Act, Sections 3(1)(i)(ii), 3(2), 3(3) and 3(4) of the
Maharashtra Control of Organised Crime Act ('MCOCA' for
short).

2. It is prosecution's case that on 14th June 2019 a dacoity was committed at Office of Muthoot Finance at Untawadi, Nashik, by 5 to 6 person during which one employee was killed. In investigation police have arrested co-accused and Applicant in connection of the present crime. It is alleged that, Applicant had provided two vehicles (one truck and one motorcycle) which were used for transporting the stolen property.

3. It is contention of the learned counsel for the Applicant that, Applicant has been falsely implicated in this case. Applicant was not present at the time of dacoity. Three Pulsar Motorcycles were found abandoned 17 kms from the place of offence, which the prosecution claims were used by the dacoits to escape. It is alleged that, one of the motorcycle was provided by the Applicant to his brother Accused No.3 and the payment of it was made from the Applicant's bank account. The learned counsel further submitted that, there is nothing to show that motorcycle was used in the said offence or was seen in the vicinity at the time of the offence. There is no evidence to show that, any

of these vehicles were used by the decoits. The Applicant is a dealer of second-hand vehicles.

4. The learned counsel further submitted that, it is alleged that, Applicant had transferred Rs.10,000/- to accused No.4's bank account on 5th June 2019 but it was transferred 9 days before the offence. The learned counsel further submitted that, in Confessional Statement of the Accused No.4 it is recorded that he has not received any money from the Applicant. The learned counsel further submitted that, it is alleged that there was phone calls between Applicant and Accused No.3. Accused No.3 is the brother of the Applicant, so there is nothing suspicious about it. The learned counsel further submitted that there are two antecedents against the Applicant, both were relating to family dispute. It does not show that Applicant was involved in continuing criminal activity. Hence, requested to allow the Application.

5. It is contention of learned APP that, Applicant is member of Organised Syndicate Crime. He had involved in the dacoity committed at Muthoot Finance. He had provided Pluser

motorcycle to the co-accused who committed dacoity. The said motorcycle was found in abandoned condition. Accused No.3 is the brother of Applicant. He had active role in the said dacoity. There were phone calls between Applicant and Accused No.3. The Applicant had transferred Rs.10,000/- in the bank account of the Accused No.4. There is *prima facie* case against the Applicant. Hence, requested to reject the Application.

6. I have heard both learned counsel. Perused FIR and charge-sheet.

7. The allegations against the Applicant are that he had provided truck and motorcycle for carrying the stolen property. It appears from record that no property was stolen from Muthoot Finance no material produced on record to show that motorcycle was used by the dacoits, while committing dacoity or while fleeing from the said spot. There are allegations that there was calls between the Applicant and Accused No.3. Accused No.3 is real brother of the Applicant the CDR does not show involvement of the Applicant in the present crime. The Applicant is behind bar more than four years. The offence

registered against the Applicant are out of family dispute
Investigation is completed and charge-sheet has been filed.

8. Considering above, further intention of the Applicant
is not required.

9. In view of the above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime
No. 411 of 2019 registered with Ambad Police
Station, Nashik, on furnishing PR bond of
Rs.25,000/- with one or two sureties in the like
amount.

(ii) After his release from jail the Applicant shall
attend the Ambad Police Station, Nashik once in a
month i.e. on every 1st Monday of the month
between 11.00 a.m. to 3.00 p.m. till framing of
charge.

(iii) The Applicant shall not tamper with the
evidence and/or influence the prosecution witnesses.

- (iv) The Trial Court shall decide the case on its own merits and in accordance with law, uninfluenced by the observations made in this order.
- (v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)