

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

CRIMINAL BAIL APPLICATION NO. 2670 OF 2021

Vishwajeet Kumarsingh Rampralhad Singh ...Applicant
Versus
The State Of Maharashtra ...Respondent

Ms. Anima Mishra a/w Adv. S. T. Pandey, Mr. Arvind Singh, Adv. Anuj Singh, Adv. Angela Singha, Adv. Kajal i/b SBG Law. for the Applicant.

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

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CORAM : SHIVKUMAR DIGE, J.

DATE : 1st SEPTEMBER 2023.

P.C. :

1. By this application, applicant is seeking bail in C.R. No. I-411 of 2019 registered with Ambad Police Station, Nashik for offences punishable under Sections 396, 120-B, 201 r/w 34 of Indian Penal Code 1860 (for short "IPC") and Sections 3(1)(I)(II), 3(2), 3(3), 3(4) MCOC Act and Section 3 & 25 of Arms Act.

2. It is prosecution's case that on 14th June, 2019 at about 11:40 a.m. on Muthoot Finance at the Untawadi Branch, Nashik

dacoity was committed by co-accused, in that dacoity one person was killed. Allegations against the applicant are that prior to dacoity he did recce of the said Muthoot Finance and provided information to co-accused and applicant had purchased the motorcycle which was used by co-accused for purpose of the recce.

3. It is contention of learned counsel for applicant that applicant has been falsely implicated in this case. There is nothing on record to show that applicant has done recce of the Muthoot Finance prior to the incident. The confessional statement of the co-accused shows that in fact the applicant had left Maharashtra prior to the incident. The said motorcycle was purchased by co-accused Rahul Solanki, but he was resident of Bihar and he did not have the documents of residence of Maharashtra State so applicant had given his documents of residence proof for purchase of the motorcycle. Nothing has been recovered at the instance of the applicant. Only one charge sheet is filed against the applicant. No two offences are registered against the applicant which are mandate of the MCOC Act. Applicant is behind bar for more than three years. Hence, requested to allow the application.

4. It is contention of Learned APP that there was involvement of applicant in the said crime. Though applicant was not present at the time of dacoity, he had made recce of the Muthoot Finance and provided information to the co-accused. Learned APP further submitted that applicant was in constant touch with Subodh Singh who is Gang Leader and Co-accused Manish Singh. It shows his involvement in crime. Hence, requested to reject the application.

5. I have heard both learned counsel. Perused FIR and charge sheet, the allegations against applicant are that he purchased new motorcycle and made recce of the Muthoot Finance and provided information to co-accused. From confessional statement of co-accused it does not appear that applicant had made recce of Muthoot Finance, moreover the bike used in the offence is not seized at the instance of applicant. It appears from record that applicant had left Nashik before the commission of offence. Charge sheet shows applicant had met Subodh Singh once but, no evidence produced on record it was in connection with dacoity on Muthoot Finance. Applicant is behind bar for more than three years. Only one offence is registered against the

applicant. Considering above facts further detention of applicant is not required.

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

ORDER

- (i) Applicant – Vishwajeet KumarSingh Ramprahlad Singh be enlarged on bail in C.R. No. I-411 of 2019 registered with Ambad Police Station, Nashik, 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,

witness or any person concerned with the case.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

(SHIVKUMAR DIGE, J.)