

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

BAIL APPLICATION NO. 2275 OF 2022

Kiran Gulab Gavit

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr. Ganesh Bhujbal - Advocate for the Applicant

Mr. N. B. Patil - APP for the Respondent-State

Mr. Ganesh Kindre – Dy. SP- Vaduj Satara Police Station

CORAM : S. M. MODAK, J.

DATE : 16th JANUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant/accused no. 1 and learned APP for the Respondent-State. Investigation officer is present.

2. Though in the F.I.R. registered on 21/12/2021 there is reference of robbery of the mobile phones, tabs and watches worth of Rs. 95,000/- of the first informant-Hrishikesh Rajendra Shete, his two supplementary statements are recorded on 13/01/2022 and 07/02/2022. He was having apple phones and there was app uploaded on those mobiles of Binance Company belonging with Crypto currency. The first informant later on realized that an amount

of Rs. 67,58,909/- was transferred from his account. When he was travelling in a car, he was intersected by two unknown person on motor cycle and two other persons and they robbed him.

3. During investigation, the Police have arrested the actual robbers as well as those who have hatched a plan. Two of them are accused No. 9-Vishal Shevale and present applicant-accused no. 1. There is a statement recorded of accused no. 9-Vishal Shevale on 21/12/2021, wherein he has confessed about transferring various amounts in the account of various persons and one of them is present Applicant-accused no. 1.

4. During investigation, the Police have collected the bank statements of the present Applicant. The total roughly amount of Rs. 7,50,000/- was transferred in his bank account. There is a prayer for bail on the ground that the Applicant is behind bar for last more than one year and except accused no. 1 and accused no. 9-Vishal Shevale all have been admitted to bail.

5. My attention is invited to the order passed by the trial Court on 16/06/2022. There is a common order passed on various applications and the application of the present Applicant was rejected. There is one more order passed by the Sessions Court in

respect of accused no. 2- Birju@ Satish Vilas Rajput on 21/09/2022. According to the Applicant his role and role of those accused persons is similar.

6. According to the learned APP, the Applicant is master mind and his role is different for the reason that the present Applicant was constantly in touch with other accused persons and there are CDRs pertaining to mobile of the present Applicant and accused no. 2-Birju @ Satish Vilas Kambale/Rajput and accused no. 3 -Vishal @ Sagar Haribhau Nanavare (Gurav). So also there are previous criminal antecedents against this Applicant and it is referred by the trial Court.

7. No confessional statement of the present Applicant is recorded but certainly role of the Applicant is different from the accused who were granted the bail. There are Call Detail Report and previous criminal antecedents.

8. So at present I do not feel that the case is made out for grant of bail of the present Applicant. If the trial is not finished within six months, the Applicant is entitled to file fresh application for bail. Hence Application is rejected at this stage.

[S. M. MODAK, J.]