

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3535 OF 2024

Kaka Sarpanch Kale, Age 27 years,
Occ.Labour, R/o.Chikordi, Tal.Walva,
Dist.Sangli.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Firoz Maner, Advocate for Applicant.
Mr.Sameer M.Mangaonkar, APP, for State.
PSI Nitin Babar, Sangli Rural Police Station, present.

CORAM : ANIL S.KILOR, J.

DATE : 21st October 2024

PC :

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.194 of 2013 registered with Sangli Rural Police Station, District Sangli, for the offences punishable under Sections 395, 397 of Indian Penal Code.

3. Learned counsel for Applicant submits that though identification parade was conducted and Applicant was identified, but it was a farce and there was no valid test identification parade. It was submitted that there was no identification of stolen ornaments. It was submitted that Applicant was falsely implicated in the alleged offence. Applicant has relied upon following authorities :-

(i) Prabhakar Tewari Vs. State of Uttar Pradesh and anr.
AIR Online-2020-SC-96;

(ii) Iqbal Kasam Pathan @ Pappu Vs. State of Maharashtra
AIR Online-2021-Bom-2595.

4. On the other hand, learned APP has strongly opposed the application.

5. Having gone through the charge sheet and relevant material collected by the Investigating Officer during investigation it is evident that Applicant was not only identified in the test identification parade but the stolen property was also recovered from him. There is statement of goldsmith which categorically states that Applicant has sold the stolen gold to the said witness.

6. In addition to this, there are 33 antecedents against the Applicant. One case is u/s.302 of IPC and another is u/s.307 of IPC. Other offences are of similar nature. Thus, there is every possibility that if Applicant is released on bail, he may commit similar offence.

7. Further on merit also, since there is incriminating material available on record to show complicity of the Applicant in the offence. the application is rejected.

(ANIL S.KILOR, J.)

MST