

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

Criminal Bail Application No.3174 of 2023

Kiran @ Karan Prakash Suryawanshi
Age: 29 years, Occu Business,
R/at Gardi, Tal.Khanapur, District-Sangli
(At present detained at Kolhapur
Central prison, Kolhapur) ... Applicant.

Vs.

The State of Maharashtra
Through Tasgaon Police Station,
District Sangli vide CR No.336 of 2019 ... Respondent.

Mr Shubham Sane alongwith Rajesh Ranglani i/by Priyal Sarda
for the applicant.

Mr Yogesh Dabke, APP for Respondent/ State.
HC Nagesh R Kamble local Crime Branch Sangli.

Coram : R.N.Laddha, J.
Date : 25 September 2024.

P.C. :

Heard Mr Shubham Sane, the learned Counsel appearing
for the applicant and Mr Yogesh Dabke, the learned Additional
Public Prosecutor representing the respondent/State.

2. By this application, the applicant is seeking bail in
connection with CR No.336 of 2019, registered with Tasgaon

Police Station, Sangli, for the offences punishable under Sections 394, 120-B read with 34 of the Indian Penal Code.

3. It is the case of prosecution that on 14 June 2019, the first informant, who was a clerk at the District Central Bank, was transporting Rs.25,00,000/- in cash with another bank employee on his motorcycle, heading towards Visapur, Tasgaon. At approximately 11:45 a.m., near Jirwal Mall, a motorcycle approached them from behind. Two individuals on this motorcycle threw chilli powder into the eyes of the informant and his colleague and kicked their motorcycle. Subsequently, four more persons arrived on another motorcycle, one of whom snatched the bag containing cash and fled.

4. Mr Shubham Sane, the learned Counsel appearing on behalf of the applicant, contends that the applicant has been falsely implicated in this offence. The learned Counsel submits that the applicant's involvement in the incident is highly questionable, and there is no prima facie evidence to substantiate the allegations against him. Mr Sane points out that the motorcycle which is purportedly linked to the crime, was recovered from an open area, casting doubt on its connection to the applicant. Furthermore, the learned Counsel highlights that the test identification parade was conducted at a significantly

delayed stage, and the descriptions of the perpetrators provided in the FIR do not correspond with the applicant's appearance. Mr Sane also emphasises that the investigation has been concluded, and a charge sheet has already been filed. Importantly, the applicant has no criminal antecedents, underscoring his clean background.

5. On the other hand, Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent/ State, emphasises the gravity of the offence. Learned APP highlights the recovery of motorcycle from the applicant. Furthermore, the applicant was positively identified during the test identification parade. However, the learned APP acknowledges that the applicant has no criminal antecedents.

6. After reviewing the records, it appears that there was a delay of 27 days in conducting the test identification parade. During this period, the applicant was produced before the Court of Magistrate on two occasions. It is acknowledged that the motorcycle was recovered from an open area. Moreover, it appears that there was no direct recovery at the instance of the applicant. Allegedly, the applicant sold gold worth Rs.3,50,000/- to a friend, who subsequently sold it to a goldsmith. The gold was eventually recovered from the goldsmith's shop. The

applicant was arrested approximately 8 days after the incident and has been in jail for about 4 years and 9 months. The applicant has no criminal antecedents. The investigation has been completed and the charge sheet has been filed. In these circumstances, the continued detention of the applicant does not seem to serve any meaningful purpose. The prosecution's concern that the applicant may tamper with the evidence can be addressed by imposing appropriate conditions. Hence, the following order.

ORDER

- (i) The applicant Kiran @ Karan Prakash Suryawanshi be released on bail, in connection with CR No.336 of 2019, registered at Tasgaon Police Station, Sangli, on executing a PR Bond of Rs.25,000/- with one or more sureties in the like amount to the satisfaction of the concerned Court.
- (ii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- (iii) The applicant shall regularly attend the proceedings before the jurisdictional

Court.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]