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

BAIL APPLICATION NO.3942 OF 2023

RAJAT ABU MULANI

..APPLICANT

VS.

THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Salman K. Pathan a/w Adv. Anshuman Asare a/w Adv. Mansi Govindswamy for the applicant.

Mr. S. H. Yadav, APP for the State.

PSI Abhijit Sawant, LCB Pune Rural, Crime Branch Pune (Rural).

CORAM : M. S. KARNIK, J.

DATE : MARCH 26, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 395, 397, 364-A, 34 of the Indian Penal Code, 1860 (hereafter 'IPC' for short), under Sections 3, 5, 25 of Arms Act, 1959 and Section 135 of Maharashtra Police Act registered on 26.08.2022 vide C.R. No.667 of 2022 with Indapur Police Station, Pune Rural.

3. The date of the incident is 26.08.2022, at around 2.30 a.m. There are in all six accused. The applicant is the accused No.3. It is the prosecution case that the complainant was carrying cash amount of Rs.3,60,26,000/- along with him and heading towards Mumbai. The accused committed dacoity. The car was fired at and the said amount of Rs.3,60,26,000/- was taken away. There is a recovery of a sum of Rs.71,20,000/- from the present applicant. Further, the applicant has been identified in the test identification parade.

4. Learned counsel for the applicant was at pains to point out the loopholes in the test identification parade and also in so far as the recovery of the amount at the instance of the applicant under Section 27 of the Indian Evidence Act is concerned. Learned counsel for the applicant submitted that even the charge has not been framed. The applicant was arrested on 31.08.2022. The contentions raised by the learned counsel for the applicant are matters to be dealt with at the time of trial. At this stage the materials prima facie indicate the involvement of the applicant in a serious

offence. Suffice it to mention that it is the allegation that the car in which the complainant was travelling was fired at and the accused committed dacoity involving an amount of Rs.3,60,26,000/-. There is a recovery of Rs.3,46,44,500/- from the different accused of which an amount of Rs.71,20,000/- is recovered from the present applicant. Considering the nature of materials against the applicant I am not inclined to enlarge the applicant on bail at this juncture. Merely because there are no criminal antecedents reported against the applicant is not a factor to release the applicant on bail considering the gravity of the offence.

5. The application is rejected.

6. Liberty to apply for bail after some time if the trial does not progress substantially.

(M. S. KARNIK, J.)