

The State of Maharashtra ... Respondent

Mr. Pandurang H. Gaikwad-Patil, APP, for the Respondent/State.

DATE : 28TH JUNE, 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.I-224 of 2023, registered with Baramati Taluka Police Station, Pune for the offences punishable under Sections 394, 395, 397 and 120(B) read with 34 of the Indian Penal Code, 1860 (for short, 'IPC').
3. The applicant is the main accused. The allegations are of robbery of Rs. 1,07,24,000/-

4. The learned counsel for the applicant submits that there is no evidence available on record to indicate that the applicant is involved in the alleged offence. It is submitted that there is no Test Identification Parade conducted by the prosecution. It is further argued that the amount recovered from the applicant does not tally with the stolen articles. She further submits that as the charge-sheet has already been filed, further custody of the applicant is not necessary. She further tries to impress upon this Court that though the prosecution is relying upon the CCTV footage, in the spot panchnama there is no mention of any such CCTV. She further submits that the offence was registered against the unknown persons.

5. On the other hand, the learned APP strongly opposed the application. It is pointed out that amount of Rs.18,84,300/- was recovered from the applicant. The learned APP has pointed out that there is a CCTV footage and accordingly, he prays for rejection of the present application.

6. Having considered the submissions made by both the parties and the material collected by the IO during the investigation, it is evident that there is a recovery of Rs.18,84,300/- which supports the case of the prosecution.

7. The total amount involved in the alleged robbery is Rs.1,07,24,000/-.

8. As far as, the submissions made by the learned counsel for the applicant that the amount recovered does not tally with the stolen

cash or ornaments, is the matter of evidence and at this stage, the same cannot be appreciated.

9. Thus, considering the material collected by the IO, I am of the opinion that *prima facie* there is sufficient material to show the involvement of the applicant in the alleged offence.

10. In the circumstances, the application is rejected.

11. The learned counsel for the applicant further prays for grant of liberty to move a fresh application in case there is no progress of trial in future. Liberty is granted to move afresh in case of change in circumstances before the trial Court.

12. The learned counsel for the applicant undertakes to supply copy of this order on the record of the trial Court.

(ANIL S. KILOR, J)