

State of Maharashtra ... Respondent

Ms. Veera Shinde, APP, for the Respondent / State.

DATE : 28TH AUGUST, 2024.

3. The learned counsel for the applicant submits that there are discrepancies in timing of the arrest, recovery of vehicle and the time when the remand was sought. It is submitted that the applicant has been falsely implicated in the alleged offence. He further argues

that even IT parade was not conducted as per the police manual, as all the six accused were the part of the same identification parade. He further argues that earlier bail application was withdrawn and at that time the liberty was granted to apply afresh after six months if there is no progress in trial. It is therefore, submitted that after the withdrawal application a period of more than one year is lapsed and till date even the charge is not framed. He further submits that since there is unlikelihood of conclusion of trial in near future, considering the period of incarceration which is about 2 years, the applicant may be released on bail.

4. On the other hand, the learned APP strongly opposed the application and she points out that after the arrest of accused nos. 1 to 3, it was revealed that the applicant is involved in the alleged offence and accordingly, he was arrested and the vehicle was seized. It is further pointed out that an amount of Rs. 65 lakh came to be seized from the applicant and further he has been identified in the TI parade.

5. In the above referred backdrop, having gone through the charge-sheet and the relevant material collected by the IO, no doubt that certain discrepancies are there as pointed out by the learned counsel for the applicant.

6. However, considering the seriousness of the offence and further the facts that the applicant was identified in the identification parade and amount of Rs. 65 lakh was recovered at the instance of the applicant and further the vehicle used in the present offence was also recovered from the applicant, I am of the opinion that such discrepancies will be the matter of trial, but that cannot be a ground

for grant of bail, particularly, when the above referred material has been collected by the IO showing prima facie involvement of the applicant in the alleged offence.

7. In that view of the matter, the application is rejected.

8. Considering the period of incarceration and the discrepancies pointed out by the learned counsel for the applicant in the interest of justice the trial be expedited and liberty is granted to the applicant to apply afresh for grant of bail before the trial after one year if there is no progress in the trial.

9. The learned counsel for the applicant undertakes to place copy of this order on the record of the trial Court within two days from today.

(ANIL S. KILOR, J)