

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2615 OF 2024

Madhav Chunnalal Giri	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Ammar Nizami for Applicant.

Mr. Balraj Balkrishna Kulkarni, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : JULY 22, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent.

2. The documents placed on record, at this stage, indicate that other than the memorandum of the applicant recorded under Section 27 of the Evidence Act, 1872, there does not appear to be substantive material to link the applicant with the incident in question. The main accused person i.e. the watchman of the jewellery shop is still absconding. Statement of the shop owner from whom the applicant allegedly purchased gas cylinder and other equipment used in the crime, also indicates that the applicant was directly taken to the shop by the police and the said witness was asked as to whether he was the person who purchased the aforesaid equipment. Establishing identity of the applicant as the person involved in the crime in this manner *prima facie* appears to be defective and can be of no avail to the prosecution.

3. At this stage, when specific queries were put to the learned APP, he submitted that the short adjournment may be granted to take instructions from the investigating officer.

4. A perusal of the order passed by the Sessions Court on 17.02.2024, rejecting the application for bail filed by the applicant, shows that reference was made to CCTV footage and an observation is made that the criminal antecedents of the applicant are not clean. This Court expects the learned APP to take appropriate instructions from the investigating officer, so as to apprise this Court of the relevant aspects of the matter on the next date of hearing.

5. List the application for further consideration on 05.08.2024, First on Board.

(MANISH PITALE, J.)

Minal Parab