

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2972 OF 2024

(This order is corrected as per speaking to the minutes of the order dated 10.10.2024)
Sampatraj Jain @ Sampoo ...Applicant

Versus

The State of Maharashtra ...Respondent

- Mr. Ashish Shukla a/w Prachish Shukla, for Applicant.
- Ms. Rutuja A. Ambekar, APP for Respondent.

CORAM : MANISH PITALE, J.

DATE : 18th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Shukla, learned counsel for the applicant and Ms. Ambekar, learned APP for respondent – State.

2. The applicant has approached this Court seeking bail as he was arrested on 08.05.2023 in connection with First Information Report No.0448 of 2023, dated 18.03.2023, registered at Police Station Bandra, Mumbai, for offences under Sections 328 and 379 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. In the present case, an FIR was registered against unknown persons since the informant approached the police stating that on the date and time of the incident, he was given a cold drink mixed with certain substance, due to which he lost consciousness. The persons responsible for this act took away cash amount of ₹ 23,600/-, thereby committing the said offences.

4. Upon registration of the FIR, and investigation being undertaken, the role of the accused persons, including the applicant came to fore, as a consequence of which the applicant was arrested. The investigation was completed and charge-sheet was filed. The applicant has remained behind bars since the date of his arrest.

5. The learned counsel for the applicant submits that there is hardly any material to link the applicant with the offences in question. It is submitted that within a short span of time, as many as 3 FIRs have been registered against the applicant in the very same police station for the aforesaid offences. It is not uncommon that the police, in order to complete their part of investigation, picks up a person who is already accused of a particular offence and then foists the allegations made by the informant in another case upon such accused person without any material to link the accused person to the actual incident in question. It is submitted that merely because the applicant has criminal antecedents, this Court may not dismiss the application.

6. On the other hand, the learned APP submits that in the present case, although the FIR was registered against unknown persons, but during the course of investigation, CCTV footage was viewed and the presence of the applicant was found at the date and time of the incident corresponding to the allegations made by the informant. This led to further material coming on

record, indicating the direct involvement of the applicant in the present case.

7. It was highlighted that the applicant has as many as 22 criminal antecedents, 3 of such FIRs being registered in the very same police station for identical *modus operandi* and offences. The remaining FIRs have been registered in the cities of Surat, Ahmedabad, Vadodara and Nadiad in the State of Gujarat for identical offences, wherein *modus operandi* is found to be the same. The applicant alongwith other accused persons administer cold drink or other such drink with some stupefying substance, due to which the victims lose their consciousness and thereupon the accused persons, including the applicant take away cash and valuables of such victims. It is submitted that in such a situation, this Court may not show any indulgence to the applicant. It is brought to the notice of this Court that in terms of the charge-sheet only 6 witnesses are proposed to be examined and the trial can be completed in an expeditious manner.

8. This Court has considered the rival submissions in the light of the material on record. Although the FIR was registered against unknown persons, the prosecution has been able to show *prima facie* link between the applicant in the incident in question. Although proof of such link would indeed be a matter for trial, there is enough material, including CCTV footage to *prima facie* show the presence of the applicant at the date and time of the

incident and it does appear to correspond with the specific allegation made by the informant in the present case. The offence under section 328 of the IPC carries maximum punishment of imprisonment upto 10 years.

9. The criminal antecedents of the applicant cannot be completely ignored in the facts and circumstances of the present case. As many as 20 such cases have been registered against the applicant in various cities in the State of Gujarat for identical offences, including offences of robbery under Section 392 of the IPC, as also attempt to murder under Section 307 of the IPC. It is already noted that in the very same police station at Bandra, Mumbai, there are as many as 3 cases registered against the applicant for identical offences under Section 328 of the IPC. The *modus operandi* in all such cases appears to be similar, wherein the victims are taken into confidence and given a drink laced with a stupefying substance, due to which, they lose their consciousness and thereupon they are looted of their valuables and cash. Letting loose such persons into the society, when *prima facie* material is found against him, would not be appropriate.

10. Hence, the application is dismissed. However, since the prosecution intends to examine only 6 witnesses, the trial can certainly be expedited. Accordingly, the concerned Court is directed to expedite the trial proceedings and to complete the same expeditiously. In any case, the

concerned Court shall make an endeavour to complete the trial within 9 Months from today.

11. If the trial is not completed within the time period indicated hereinabove, and the delay is not due to the applicant, liberty is reserved for the applicant to renew his prayer for bail.

(MANISH PITALE, J.)