

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2024 OF 2024

1. Udayan Belaudayan Vallikalail, }
Age : 57 years, Occu. : Business, }
R/o. Sector-3, Nerul, New Mumbai. }
2. Prashant S/o. Jalinder Shinde, }
Age : 45 years, Occu. : Business, }
R/o. Flat No. 101, Ganesh Apartment, }
Karvigaon, Sector - 36, C-Wood, }
Nerul, New Mumbai. } ... Applicants

Versus

The State of Maharashtra, }
Through Police Station, }
Anand Nagar, Osmanabad, }
Tq. & Dist. Osmanabad. } ... Respondent.

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Mr. Yashwant P. Jadhav, Advocate for Applicants.

Mr. V. M. Jaware, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 MARCH 2025

PRONOUNCED ON : 25 MARCH 2025

ORDER :

1. Applicants seek enlargement on bail on account of their arrest in Crime No.0426 of 2023 registered at Anandnagar Police Station, District Dharashiv under sections 395, 201, 342, 412, 120-B of Indian Penal Code and under section 3/25 of the Arms Act.
2. Pointing to the date of arrest as 03.01.2024 and further

submitting that applicants are behind bars since more than a year, it is pointed out that, FIR is against unknown persons. Initially allegations are of two persons entering the credit society followed by three persons and on gunpoint, it is alleged that Cashier and Manager were asked to handover and gave access to cash and gold. Learned counsel submitted that, neither of the two had seen any of the accused and mere physical descriptions were provided and there are allegations of taking away 4 kg gold. That, there is said to be part recovery, but it is not established that, the recovered gold is the same which was alleged to be stolen. That, audit is silent about inventory of gold and even statements of so called depositors is not recorded. Furthermore, according to learned counsel, safe/locker was intact and panchanama reflects the same. That, there are allegations of use of both, fire arms as well as knife, but nothing is recovered during entire investigation. That, applicants are behind bars since long. That, charge sheet is filed in March 2024 itself. As no further recovery or discovery is shown to be made, learned counsel urges for grant of bail.

3. While opposing the bail application, learned counsel took this court through the FIR and emphasized on the manner of committing above offence. He places synopsis of outcome of investigation. He pointed out that, both Manager and Cashier are

consistent. That, it was a planned dacoity. That, CCTV footages have been retrieved and applicants are arrested. That, there is part recovery. This Court by order dated 02.09.2024 rejected application of another accused Ramesh. That, CDR and SDR confirms tower location of each of the applicant. He further submitted that, there is also evidence about booty being shared. Lastly he submitted that, one of the accused is still at large and hence for above reasons, bail is opposed.

4. Perused the FIR and papers. Report is by one Satish Phutane, who works as a Cashier of Jyoti Kranti Co-operative Credit Society. Substance of the FIR is that, on 23.12.2023 around 5:38 p.m, initially two unknown persons followed by three unknown persons walked in straight to the chamber of Manager. One of them was hefty and another one was lean. He reported that, one wearing blackish shirt came near him, caught him by collar and placed revolver on his ear and took him to Manager's chamber, defused siren wires. He then gave description of all of them and then stated that, his hands and mouth were tied with stick-paste. On his request, Manager was spared from being tied and then from the locker gold ornaments and handy cash total worth Rs.1,85,68,000/- was stuffed in the sack and also took away mobile from both of them. Above occurrence was reported resulting into registration of crime.

5. Thus, this seems to be an episode of heist in a brought day light carrying away over 4 kg gold worth of Rs.1,85,68,000/-. Learned APP submitted that out of five only four are arrested and only part recovery is made. Statement is also made by learned APP that there are CCTV footages and that CDR confirmed locations of present applicants. He also pointed out that, applicants have shared the booty.

6. Grounds primarily pressed into service from the bail application are that, there is no evidence of breaking the locker, no recovery of gun and knife and that statements of depositors of gold are not recorded. By no means such grounds could be used to seek enlargement on bail, more particularly, with such daring act of robbery in broad daylight. Resultantly, this court does not find it a fit case to grant relief as prayed.

7. The application stands rejected.

(ABHAY S. WAGHWASE, J.)