



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2328 OF 2024

Shankar Ramesh Jasak,
Age : 40 years, Occu. : Ex-Police Officer,
R/o. 303, Aster-1, Green Space-2,
Karjat, Tq. Raigad, Deolwadi,
Dist. Raigad.

... Applicant

Versus

The State of Maharashtra,
Through Shani Peth Police Station,
Jalgaon.

... Respondent

.....
Mr. Satej S. Jadhav, Advocate for the Applicant.
Mr. V. M. Chate, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 11.03.2025.

Pronounced on : 12.03.2025.

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No. 0093 of 2023 registered at Shanipeth Police Station, District Jalgaon for offences punishable under Sections 394, 201 r/w section 34 of Indian Penal Code (IPC).

2. Urging for bail learned counsel for applicant pointed out that, applicant is behind bars since more than one and half years.

That, charge sheet is already filed in August 2023. That, trial is not progressing. He further pointed out that, as regards to merits are concerned, crime is against unknown persons, who were said to be in masked condition. He submitted that, though there is CCTV footage, identification is doubtful, as according to him, photo of applicant was already flashed in newspaper on 03.06.2023 and T.I. parade is conducted one month thereafter and therefore, it is his submission that aspect of identification and T.I. parade loses its significance. Lastly, he submitted that even otherwise, offence is triable by Magistrate and only because of charge under section 201 of IPC, matter is made sessions triable. While concluding he submitted that, there is apparently long incarceration and no possibility of trial getting concluded in near future.

3. Learned APP opposed on the ground that, there is strong incriminating evidence in the form of CCTV footage. Moreover, there is recovery at the instance of applicant. That, none other than wife of applicant gave statement to police about the booty brought by her husband to the house from where it was recovered. He lastly submitted that, there is communication received from police that matter is posted for framing of charge on 20.03.2025 i.e. in next week itself. For all above reasons, he opposes the bail.

4. Heard. Perused the papers. FIR dated 01.06.2023 is regarding commission of robbery for amount of Rs.17 lakh cash and gold worth Rs.3 crores by two unknown thieves wearing helmet by breaking open the seal of bank. Apparently, as pointed out FIR is against two unknown persons. Applicants are shown to be arrested on 03.06.2023. Prosecution claims to have secured CCTV footage as it to be incriminating material. Submissions made by learned counsel that applicant's photo was flashed prior to T.I. parade, is not refuted by learned APP. Learned APP specifically pointed out that, there is statement of none other than wife of applicant regarding her husband coming home in the night and informing her about arrangement of money being made and around 1:30 p.m., police visiting their house in search of her husband and in her presence cash was seized by police and about her husband confessing committing crime with the help of his brother-in-law and father. However, regarding such events, statement of wife is not recorded by police on same day i.e. on 01.06.2023, but it is recorded on 06.06.2023.

5. Learned APP has placed on record communication from police showing that, matter is posted for charge before the learned trial court on 20.03.2025 i.e. after nine days itself. On Court query,

learned APP has pointed out that, prosecution intends to examine 24 witnesses.

Taking above material into consideration, charge is shown to be framed shortly and hence this court is not inclined to grant bail as on today.

6. However, if trial is not concluded within six months, applicant is at liberty to approach this court for grant of bail.

7. With above liberty, bail application stands disposed off.

[ABHAY S. WAGHWASE, J.]