

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2441 OF 2024

Ganesh Tukaram Shinde

.. Applicant

Versus

State of Maharashtra

.. Respondent

-
- Ms. Poonam Pal a/w. Mr. Sachin Hande, Advocates for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent.
 - PSI – Anita Kadam, Thane Railway Station.
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 14, 2025

P.C.:

1. Heard Ms. Pal, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent.

2. Present Application seeks grant of bail. Applicant before me is Ganesh Tukaram Shinde who claims to be resident of Lote, Katewadi, Taluka – Khed, District – Ratnagiri.

3. He is indicted and arrested in C.R. No.263 of 2024 registered with Thane Railway Police Station for offences punishable under Sections 382 and 397 of Indian Penal Code, 1860 and Sections 150(1) (e) read with Section 147 of the Railways Act, 1989.

4. Case of prosecution is that at about 23:56 p.m. on 18.02.2024 on platform No.2 of Diva Railway Station in Up - direction, a CSMT slow local was moving and Applicant hit the hand of the

victim to snatch and knock down his mobile phone but in that process the victim lost his balance, fell down from the moving train on the railway track and injured himself. The injured victim was taken to KEM Hospital, Lower Parel, where his left arm which was injured came to be amputated from his shoulder.

5. Mr. Dedhia, learned APP has persuaded the Court to see the live CCTV footage of the incident in question to *prima facie* satisfy since the entire incident has been captured on CCTV in close range. The Investigating Officer is present in Court and she has through the learned APP shown to me the live CCTV footage of the incident in question, panchnama of which is appended at page No.78. It is a 1 minute 30 second clear CCTV footage wherein it is seen that Applicant was infact inside the same train when it started and he must have been in the third or fourth compartment of the train and he gets down from running train. Thereafter instead of moving away to safety he stands close to the moving train at the same spot where he gets down with his eyes gazed and fixed on the moving train to spot any person who is standing on the footboard with his mobile phone in hand to give a knock and snatch the mobile phone. What follows next is very critical. It is seen that Applicant himself gets ready to strike and gives a vicious blow with his hand on the hand of the person / victim standing on the footboard holding his mobile phone to snatch and knock down the mobile phone, but his blow results in the victim losing his balance and

falling on the platform injuring himself to the extent of losing his arm. Applicant is caught on the railway station itself by commuters and booked thereafter.

6. After seeing the above CCTV footage of the incident which is *prima facie* evidence in the present case and the role of the Applicant there is nothing I can do for Applicant. Learned Advocate for Applicant has argued that actions of the Applicant were involuntary and he did not intend to commit any crime. She would submit that Applicant had come from Ratnagiri to Mumbai to play a cricket tournament and he missed boarding the train as the train had started moving and his luggage was left inside the train which he wanted to retrieve. Her entire submission is contrary to the CCTV footage when seen. It is seen that Applicant was already inside the same train and after it started moving, the Applicant got down from the running train and stopped at the place where he got down very close to the moving train in readiness to strike with his hand any unsuspecting commuter standing on the footboard with his mobile phone in hand so that once he struck, the phone would fall on the platform. His strike with his right hand is seen to be deliberate with a clear motive to commit the crime. Warnings for such incidents are repeatedly announced through public announcement systems on suburban railway platforms for public awareness in Mumbai. Applicant is not entitled to bail as his bodily action and poise can be clearly seen and deciphered from the CCTV

footage with the intention to commit the aforesaid act / crime in question which is *prima facie* seen. Unfortunately his act has resultantly led to the disability of the victim. *Prima facie* no case is made out for bail.

7. Bail Application is rejected.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.02.14
20:37:04 +0530