

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3180 OF 2024

Akshaya Dattatraya Veikhande .Applicant

vs.

The State of Maharashtra .Respondent

**WITH
BAIL APPLICATION NO. 4048 OF 2024**

Bashir Ibrahim Shaikh .Applicant

vs.

The State of Maharashtra .Respondent

Mr. M. U. Kazi a/w. Ms. Sonia Santis, Advocate, for the Applicants in both matters

Ms. Megha Bajoria, APP, for the Respondent – State in B. A. No. 3180 of 2024

Mr. Balraj B. Kulkarni, APP, for the Respondent – State in B. A. No. 4048 of 2024

Mr. Pankaj Patil, PSI, Shahapur Police Station, Thane (Rural) present

CORAM : MILIND N. JADHAV, J.

DATE : 06.01.2025

P. C.

1. I have heard Mr. Kazi, learned Advocate for the Applicants and Ms. Bajoria and Mr. Kulkarni, learned APPs for the Respondent – State.

2. The Applicant before me is arraigned as Accused No. 1 along with 11 other Accused in connection with C. R. No. 118 of 2024

registered with the Shahapur Police Station, Thane (Rural), for the offences punishable under Sections 395, 365, 341, 419, 420, 170 & 120B of the Indian Penal Code.

3. Briefly stated the case of the prosecution is that the Applicant along with other Accused was instrumental in committing dacoity on Mumbai-Agra High Way, wherein he was driver of one Innova car which intercepted a pick up van driven by the Complainant and robbed the Complainant of cash which was transferred from Jalgaon to Mumbai on 14.03.2024 at about 3.00 a. m. in the night. The prosecution has, thereafter, in its case stated that Accused No. 1 along with his other co-accused in the Innova car drove away to Mumbai-Agra High way where he was met by the other co-accused and there they all distributed the proceeds which were robbed from the pick up van of the Complainant amongst themselves. According to prosecution case, it is stated that Accused received a share out of the said booty of approximately Rs. 17,91,200/-. Memorandum panchanama has been drawn in this regard by the prosecution. According to the prosecution, out of this amount, Accused No. 1 – the Applicant before me deposited an amount of Rs. 3,40,000/- in his Bank account which is frozen and appropriated the balance amount for purchasing Gold ornaments which have also been seized. This is a case

as appearing in the prosecution' case/FIR.

4. Mr. Kazi, learned Advocate for the Applicants would, however, persuade me to see the contents of page No. 142 of the Application and would submit that in fact, insofar as the Applicant is concerned, the prosecution has recovered and seized an amount in excess of Rs. 19,00,000/- which militates against the prosecution's own case in the present FIR. He would also submit that apart from Gold ornaments which have been seized, certain cash amount has also been seized from the Applicant. I have impressed upon Mr. Kulkarni who would submit that the details are not available. He would submit that he would take specific instructions from the Investigating Officer to produce the same in order to justify the recovery. Let the details be furnished upon which the Application of the Applicant can be considered. One of the reasons which persuade me to consider the present Application is in view of the fact that four accused namely accused Nos. 7, 8, 10 & 11 have been granted bail by the learned trial Court by Order dated 02.12.2024. The Innova car used in the heist is admittedly belonging to the Accused No. 11 namely Kaushal Roy who is granted bail. Parity is claimed by Mr. Kazi. The only indictment against the Applicant – Accused No. 1 is that he was the driver of the Innova car which was used in the commission of crime but more than the alleged amount received by

Applicant, the alleged recovery made from him and his Bank account is made by the prosecution. All necessary details shall be placed before this Court to enable this Court to consider the Application of the Applicant before the next adjourned date. Let the information be placed in the appropriate format by the concerned investigating officer.

5. Mr. Kulkarni would also inform me that report of the Test Identification Parade is awaited and the same shall also be placed before this Court before the next adjourned date.

6. Insofar as Accused No. 2 - Bashir Ibrahim Shaikh is concerned, in this case, a separate Application, being B. A. No. 4048 of 2024 is filed.

7. Ms. Bajoria, learned APP appears for the prosecution in the present case. Mr. Kazi, learned Advocate for the Applicants has drawn my attention to the case of the prosecution on page No. 41 of the Application. He would submit that the case of the prosecution is that he received a share of Rs. 17,73,370/- but the details of confiscation or seizure have not been stated at all. What is stated is recovery of Gold ornaments only without any further details. In view of the above order passed in case of Accused No. 1, learned APP is directed to place on record appropriate details of confiscation and seizure and the role of Accused No. 2 in the present case also.

8. Stand over to **20.01.2025** under the caption **First On Board**.

(MILIND N. JADHAV, J.)