

Prasad Rajput
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4146 OF 2024

Sushant @ Sundeep Ramchandra Lohar .. Applicant
Versus
State Of Maharashtra .. Respondent

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- Ms. Anjali Patil a/w Tohid Shaikh, for Applicant.
- Mr. Balraj B. Kulkarni, APP for the State.
- Mr. Pathan, PSI, Sion Police Station, Mumbai.

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CORAM : MILIND N. JADHAV, J.
DATE : JANUARY 06, 2025

P.C.:

- 1.** Heard Ms. Patil, learned Advocate for Applicant and Mr. Kulkarni, learned APP for the State.
- 2.** This is an Application filed by Applicant seeking enlargement on bail in connection with C.R. No. 310 of 2023 registered with Sion Police Station, for the offence punishable under Sections 420, 465, 467, 468, 471, 452, 170, 342, 120-B of Indian Penal Code, 1860 (for short "IPC").
- 3.** Investigation is completed and charge-sheet has been filed and the Applicant is arrested since 05.12.2023. Date of incident is 26.11.2023.

4. It is the case of prosecution that complainant-first informant along with her mother, father and brother was in their house and on 26.11.2023 i.e. on the date of incident at about 11:40 am four accused persons rang the door bell. When complainant opened the door one person showed the identity card and informed that they are all Income Tax Officers. They entered the house after locking the door one person took away the mobile phones of all family members present. Thereafter, they carried out search of the cupboards inside their house. It is prosecution's case that the four accused persons took away Rs. 18,00,000/- (Rs. Eighteen Lac) and thereafter left the scene of crime in an Innova Car.

5. Ms. Patil has drawn my attention to the FIR dated 26.11.2023 and the statement of first informant recorded on 08.12.2023. The case of the prosecution is that there were 4 persons involved in the aforesaid incident. They have been identified in the statement of the first informant according to their clothes and physical attributes. Next Ms. Patil has drawn my attention to the Test Identification Parade carried out by the prosecution. Result of Test Identification Parade is appended at Page No. 90 and 91 of the Application. It is seen that insofar as the present Applicant is concerned, he has not been identified by the first informant which is clear from column No. 8 of the Test Identification Parade report. Incidentally, the Test Identification Parade was carried out before one

of the eye witness to the incident namely the brother of the first informant who was present inside the house. Ms. Patil, learned Advocate for the Applicant would inform the Court that the other seven accused persons in the present case have all been released on bail in the meanwhile by the Trial Court and therefore argus on parity. This fact is confirmed by the Mr. Kulkarni after taking instructions from the I.O. She would next draw my attention to Page No. 87 of the Application which is the Panchanama conducted by the prosecution on 10.12.2023. This is the first instance of indictment of the Applicant in the crime when the Applicant was required to appear before the Panch witnesses for identifying the accused from the CCTV footage on the date of crime. The Applicant has identified only four accused namely (1) Abhay Kasle, (2) Amardeep Sonawane, (3) Rajaram Mangle and (4) Bhaurao Ingle from the CCTV footage. However, it is seen that the present Applicant is arrayed as Accused No.5 in the crime. There is no statement of any of the accused taking the name of the Applicant or showing his involvement in the crime, save and except the only document placed on record being at Page No. 94 which is the Test Identification Parade report conducted by the prosecution of the brother of the first informant who has identified the Applicant as one of the persons. Prima facie this I am not inclined to accept since according to first informant only 4 persons had entered the house whom she identified in the Test Identification Parade.

6. Ms. Patil also informs the Court that there are no antecedents whatsoever of the Applicant before the Court. Investigation having been completed and the trial would take a long time and no purpose would be served in incarcerating the Applicant any further in the above facts. He deserves parity when the other four accused identified by the Complainant have been enlarged on bail.

7. In that view of the matter following order is passed.

(i) Applicant – Sushant @ Sundeep Ramchandra Lohar, in connection with C.R. No. 310 of 2023 registered with Sion Police Station for the offences punishable under Sections 420, 465, 467, 468, 471, 452, 170, 342, 120-B of Indian Penal Code, 1860 (for short “IPC”) is ordered to be released on bail on furnishing P.B. and S.B. in the sum of Rs. 50,000/- (Rs. Fifty Thousand only) with one or two sureties to the like amount;

(ii) Applicant shall report to the concerned Police Station, once every month on the first Monday of the month between 10.00 a.m. to 12:00 p.m.;

(iii) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted;

(iv) Applicant shall not leave the State of Maharashtra

without prior permission of the Trial Court;

(v) Applicant shall not influence the witnesses or tamper with the evidence in any manner;

(vi) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time, as applicable;

(vii) Applicant shall not misuse his liberty in any manner or to influence the witnesses in any way; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

8. Bail Application is allowed and disposed.

[MILIND N. JADHAV, J.]