

**IN THE COURT OF SESSION FOR GREATER BOMBAY
ORDER BELOW EX.64
IN
SESSIONS CASE NO.134 OF 2017
(CNR-MHCC02-002170-2017)**

Vijay Kumar Tarchand Sen/Marwadi
Aged about 28 years,Bamukabaaz Jaytaran
District Palli Rajasthan

...Applicant

V/s

The State (At the instance
of Azad Maidan Police Station
C.R.No.330/2016)

....Respondents
Prosecution

Adv.Mr.Sunil Pandye for the applicant

APP Ms.Poornima Chauhan for the State.

**Coram : D. P. Satawalekar
Additional Sessions Judge
Gr.Mumbai.
C.R.No. 29**

**ORAL ORDER
(Dated March 21st,2018)**

1. The applicant is praying for releasing him on bail
2. The prosecution filed reply Ex. 64-A.
3. Heard learned Adv. Mr.Sunil Pandye for the applicant and learned APP Ms.Poornima Chauhan for the State.

4. This is the case of the prosecution that the first informant was dealing in the Stock Market. His office is situated at Dhobi Talav Mumbai. Cash transactions of Crores of rupees used to take place at his office. On the day of incident i.e. on 04.10.2016 at about 07.30 p.m. four unknown persons are armed with pistol and knives entered into the office of first informant. They locked the office. Some of their associates were keeping watch outside the office. They robbed cash of Rs.75,39,700/-. Accordingly, FIR came to be filed.

5. The applicant prayed for bail on the ground that the investigation is completed and chargesheet is filed. The applicant was not apprehended on the spot. There is no prima facie evidence against the applicant. Some of the accused are released on bail. Moreover main accused is released on bail. There is no recovery at the hands of this accused. There is civil dispute and to claim loss in income and to claim insurance. These allegations are made. The applicant is ready to abide by conditions. Now the supplementary chargesheet is filed. It is submitted that there is no prima facie evidence against the applicant. Nothing incriminating has been recovered at the instance of present applicant. The main accused is released on bail. Learned Adv. for the accused relied on the case of (**Avinash Nandkumar Kale V/s. State of Maharashtra (ABA No. 1239/2014)**) and prayed for bail.

6. The prosecution objected the application on the ground that the applicant is a main culprit, who has in preparing the conspiracy in the

crime. Role of the applicant was revealed through mobile cell ID and Tower location. The applicant may not be available for trial.

7. Considered the record . Admittedly, the applicant was not identified in the T. I. Parade. But the applicant was seen in the CCTV footage alongwith other accused alongwith bag of the robbed amount. The location of the applicant was traced and the applicant was in the area of the crime. Not only that , the evidence of call records show that the applicant was in contacts with other accused at the relevant time. Hence, there is prima facie case against the applicant. Mere non identification in the T. I. Parade itself cannot be a ground against prima facie evidence of CCTV footage. Therefore, at this stage, the applicant cannot be released on bail. Hence, I pass the following order.

ORDER

Application Ex.64 is rejected

(D.P. Satawalekar)
Additional Sessions Judge
Gr.Mumbai

Date.21.03.2018

Date of Dictation :21.03.2018
Date of typing :23.03.2018
Date of signature :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER.”

20.04.2018 11.37 a.m.

(M.P. Tathe)

UPLOAD DATE AND TIME

NAME OF STENOGRAPHER

Name of the Judge (With Court room No.)	HHJ Shri. D.P. Satawalekar (C.R.No.29)
Date of Pronouncement of JUDGMENT/ORDER	21.03.2018
JUDGMENT/ORDER signed by P.O.on	20.04.2018
JUDGMENT/ORDER uploaded on	20.04.2018