


MHKO010047492023 	<b><u>Order below Exh.8 in Sessions Case No.276/2023.</u></b> Ankit @ Chotu Shriniwas Sharma Vs. State of Maharashtra
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1] This bail application is filed by applicant/accused No.5, Ankit @ Chotu Shriniwas Sharma under Section 439 of Cr.P.C. for bail.

2] **The prosecution story in nutshell is as under :-**

The informant is Goldsmith and proprietor of 'Katyani Jewellers', Balinge, Tal.Karveer. On 08/06/2023, at about 9.00 a.m., the said shop was opened by his relative Jitendra and at about 9.30 a.m., the informant and his son Piyush came into the said shop along with the cash of Rs.1,50,000/- for purchasing the gold for business. At about 2.00 p.m., four unknown persons entered said shop. One of them had pistol in his hand. He fired thrice upon the showcase of the said shop. The two of them assaulted the relative of the informant with base ball stick and one of them also assaulted the informant into his head. In said incident, the injured, Jitendra was trying to stop robbers, but the accused fired upon him and he sustained one gunshot injury to his left thigh. In said incident, the informant was trying to open the main door and calling the other peoples for help, but then other accused fired gunshot towards the peoples created terror and so no one was dare to came for help of the informant. After that, the four accused persons robbed the said shop and stolen the gold ornaments along with them, worth of Rs.2,06,84,850/- and fled away from the shop on motorcycles. The informant and other injured admitted in the Hospital for further treatment. Thereafter, the informant lodged FIR against accused at

Karveer Police Station being C.R. No.406/2023, under Sections 395, 397, 120(b), 324, 323, 504 and 506 of I.P.C. and Sections 3/25 of the Indian Arms Act.

3] The Ld. advocate for the applicant/accused Mr.Anil Chavan argued that offence came to be registered against four unknown persons. The present applicant/accused is not acquainted with main accused at any event. The present applicant/accused came to be arrested merely on suspicion through "You Tube channel" i.e. prank videos for entertainment purpose. There is no any reality in those videos. The entire recovery of muddemal is not at the instance of present applicant/accused. The applicant/accused is not knowing Marathi language and he knows only Hindi language. Not a single witness has identified the present applicant/accused during the identification parade. The present applicant/accused is totally unaware about the seizure panchnama and he is not a member of any gang nor he is involved in any other crime. The entire investigation of the present crime is over and case is committed for trial. The delay in lodging FIR is not explained by the prosecution. The role of the present applicant/accused and role of other accused are different. So that accused be released on bail on terms and conditions.

4] Heard Ld. APP Mr.S.M.Patil for the State. He strongly objected said application on the ground that the offence is serious in nature and pointed out the photos of accused on You Tube Channel submitted by the Investigating Officer along with charge-sheet. The Ld. APP further submitted that that application be rejected.

5] I have gone through the application and grounds for bail and found that the offence is serious in nature and present applicant/accused is

directly involved in the said offence. The present applicant/accused No.5 is resident of State of M.P. The muddemal properties i.e. one Verna Car, Android Mobile along with Wi-Fi Dongle, Key-Pad Mobile, Two Airtel Simcard Pouch and Two Vodaphone Simcard, which was used for commission of offence also recovered by the Investigating Officer from the possession of the present applicant/accused No.5. The Investigating Officer also seized two pistol, one empty magazine and 7 live cartridges from the house of accused No.5 by preparing seizure panchnama under Section 27 of the Evidence Act. It is found that the present accused is having previous criminal antecedent and he also posted his personal videos on You Tube channel to threat the society that he is gangster.

6] In the above facts and circumstances, this Court found that the offence is serious in nature. The dacoity was carried out with the help of present applicant/accused in Jewellery shop. The present applicant/accused run away from the spot by taking jewelery forcibly. The applicant/accused No.1 and No.2 brought the present accused at Kolhapur for committing the offence. The applicant/accused stayed in Kolhapur before committing the offence. The applicant/accused No.5 is a part of criminal conspiracy. This Court found sufficient evidence against the applicant/accused and he was along with other accused at the time of criminal conspiracy and committed an offence under Sections 395, 397, 120(b), 324, 323, 504 and 506 of I.P.C. and Sections 3/25 of the Indian Arms Act

7] In the above facts and circumstances, this Court found that the all accused are not arrested. All muddemal i.e. gold and cash amount is not yet recovered. If accused is released on bail, he will give threats to the prosecution witnesses and the informant. This Court agreed with the argument advanced by the Ld. APP. Hence, this Court not agreed to grant

bail to the applicant/accused No.5 at this stage. This Court proceed to pass following order.

**ORDER**

1. The regular bail application at Exh.8 of applicant/accused No.5, Ankit @ Chotu Shriniwas Sharma is hereby rejected.
2. The application is disposed of accordingly.

Sd/-  
(Shailendra Tambe)

Date :- 05/03/2024

Additional Sessions Judge, Kolhapur.