

Sessions Case No. 96 of 2023

State of Maharashtra

Vs.

Accused No. (2) Sagar Ashok PanPatil
Accused No. (3) Lalit Abhiman Gangurde

ORDER BELOW EXH. 32

Accused No.(2) Sagar Ashok PanPatil and (3) Lalit Abhiman Gangurde, have filed this application for grant of bail under Section **439** of the Code of Criminal Procedure.

[2] **Brief facts of the prosecution case are as under :-**

Informant – Abdul Salam Nijamuddin Khan is serving as Recovery Agent in K.D. Ispat India, which is running business of tin sheets and iron angles. On 25.04.2023 at about 9.30 a.m., the informant along-with his relative Niyaj Ahemad started their work of recovery of money from their customers. Both of them were on their motorcycle bearing Reg.No. MH.-41/-AU-7729. On that day, till 3.30 p.m., they collected cash of Rs.16,93,500/- from various customers and proceeding by their motorcycle towards Malegaon from Nampur. When they reached near Jai Shankar Petrol Pump at Wadner, one white coloured Bolero Jeep came from their backside and gave them dash due to which they skidded upto 50 feet on the road. Thereafter, the said Bolero Jeep stopped. Suddenly, two persons

came there on one black coloured Pulsar motorcycle, out of them one snatched bag containing the said cash of Rs.16,93,500/- from the informant and fled away. In the said incident, the informant and his relative Niyaj sustained injuries. The by-passers took them to Civil Hospital, Malegaon. Police came there and recorded statement of the informant. Accordingly, crime vide C.R.No. I-131/2023 under sections 394 r.w.sec. 34 of the IPC, came to be registered.

[3] Accused No.(3) **Lalit Abhiman Gangurde** was arrested on 28.04.2023. His First Bail Application bearing No. 321 of 2023 came to be rejected on 12.06.2023. Now, investigation is completed and the charge-sheet is filed. Hence, he has filed this ***Second*** application for grant of bail on the ground of change in circumstances. So far as accused No.(2) **Sagar Ashok PanPatil** is concerned, he was arrested on 28.04.2023. This is his First Bail Application.

[4] I have heard both the sides and perused the material placed on the record.

[5] It appears that the present accused were forwarded to police custody remand. However, during the period of police custody, nothing incriminating has been seized from these accused. It is not the case of the prosecution that the informant and his accompanied were knowing these accused prior to the incident. In the circumstances, to connect these accused with

this crime, their test identification parade was necessary. Test identification parade of accused No.(2) **Sagar Ashok PanPatil** was conducted. Panchanama of Test Identification Parade of this accused was prepared by the Executive Magistrate, clearly speaks that the witness has not identified accused – **Sagar Ashok PanPatil**. So far as accused No.(3) **Lalit Abhiman Gangurde** is concerned, according to the prosecution case, he was not present on the spot at the time of the incident, however, he participated in the criminal conspiracy hatched for commission of this offence. Therefore, his test identification parade was not conducted. Thus, there is no prima facie evidence to connect these accused with this crime. Investigation of the crime is completed and the charge-sheet is filed. Nothing remained to be discovered or recovered from these accused. There is no likelihood of taking the matter for final hearing in near future. Therefore, no purpose of the prosecution would be sufficed by keeping these accused behind bars for indefinite period as pre-trial punishment. Their presence can be secured by imposing certain terms and conditions. I am, therefore, inclined to grant bail to these accused. I, therefore, pass the following order :-

ORDER

[1] **Accused No.(2) Sagar Ashok PanPatil** and **Accused No.(3) Lalit Abhiman Gangurde**, be released on their executing P.R. Bond of Rs.50,000/-(Rs.Fifty Thousand only) **each** with surety of like amount on conditions that :-

(a) they shall remain present before the I.O. on every **Sunday** from 11.00 a.m. to 1.00 p.m. at **Wadner Khakurdi Police Station, Malegaon, Tal. Malegaon** till next **60** days.

(b) they shall not tamper with the prosecution evidence and shall co-operate with the police machinery as and when required.

(c) they shall produce on record proof of their permanent residence at the time of furnishing bail.

(S.B. Bahalkar)

Additional Sessions Judge,
Malegaon.

Date : 05.10.2023