

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1711 OF 2015

Yallaling (Maharaj) Gurunath Honmane ..Applicant

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. C.K.Tripathi for the Applicant

Mrs. R.V.Newton, APP for the Respondent-State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : DECEMBER 21, 2015.**

P.C.

1. This is an application for anticipatory bail, filed by the aforesaid applicant apprehending his arrest in Crime No.169 of 2015 registered at Akkalkot Police Station, Solapur for the offences punishable under Section 394, 395, 120(B) r/w. 34 of the Indian Penal Code.
2. The allegations against the applicant are that, he along with the co-accused was involved in committing robbery by throwing chilli powder in the eyes of the complainant and thereby snatching the amount of Rs.4,00,500/-. The complaint regarding the said incident

was lodged by one Mallikarjun Lohar, pursuant to which the aforesaid crime was registered.

3. Shri Tripathi, the learned Counsel for the applicant has submitted that the name of the applicant does not figure in the FIR. He has submitted that the applicant is sought to be impleaded only on the basis of the call record which were made after the date of the incident. He submitted that the applicant is already released on interim bail and that the applicant has already joined the investigation and his presence is no longer required in custody.

4. The learned APP has submitted that the investigation prima facie reveals involvement of the applicant in committing the said crime. She has further stated that the investigation is at initial stage, an amount of Rs.1,29,700/- has been recovered and hence the presence of the applicant is required for recovering the balance stolen amount.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The records prima facie reveal that on 17.10.2015 between 3.00 to 4.00 hours when the complainant was proceeding

on his motorcycle on the road leading from Shilvar to Salgar, he was intercepted by four persons who had come on two motorcycles. One of the said four persons sprayed chilli powder in the eyes of the complainant, whereas the other persons snatched his bag containing cash of Rs. 4 lakhs by threatening at the point of knife. It is further stated that the said persons had also taken away from him the mobile of Lava company, as well as the keys of the motorcycle.

6. The FIR was lodged against the unknown persons, and in the course of investigation the accused persons were arrested. An amount of Rs.1,29,700/- was recovered at the instance of one of the co-accused. The statement of one of the witnesses prima facie reveals that the applicant herein was also involved in the conspiracy to commit the said robbery.

7. Considering the nature of the offence, so also considering that the part of the stolen amount is yet to be recovered, in my considered view, the applicant is not entitled for bail. Hence the application is dismissed.

(ANUJA PRABHUDESSAI, J.)