

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1665 OF 2014

Babu Bhau Bhagat	...Applicant
vs.	
State of Maharashtra	...Respondent

Mrs. Shakuntala Wadekar, Advocate for the Applicant.
Ms. A.T. Javeri, APP for the State.

CORAM : P.D. KODE, J.

DATE : JANUARY 19, 2015

P.C.

. For the detailed reasons in the order dated 06-01-2015 an ad-interim direction in terms of Section 438 of Code of Criminal Procedure has been granted in favour of the applicant. The prosecution though served with the notice has not field any reply repelling the reasons for which the ad-interim order was passed in favour of the applicant.

2. The learned APP has tendered reply today. The perusal of the reply does not reveal any convincing reason for not confirming the ad-interim direction given. It appears that hardly there is any material revealing involvement of the applicant in crime in question and the role allegedly played by him is only for assisting the accused after commission of the crime for removal of the Scorpio car. Thus the said act allegedly committed by the applicant can not even *prima facie* fall under the caption of abetment, it is difficult to negative the prayer for pre arrest bail.

3. Resultantly, the application is allowed. The ad-interim direction given is hereby confirmed on earlier terms and conditions.

Application stands disposed of.

(P.D. KODE, J.)