

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.481 OF 2016

Yallaling Gurunath Honmane

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. V.V. Purwant for the Applicant.

Mr. Arfan Sait, APP for the Respondent -State.

Mr. P.P. Surve, PSI, Akkalkot North Police station is present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 12th APRIL, 2016

PC:-

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 sections 394, 395 and 120 B r/w. 34 of the Indian Penal Code.

2. Mr. V.V. Purwant, the learned counsel for the Applicant has submitted that there is no prima facie material to show the involvement of the Applicant in the said crime. He further submits that filing of the charge-sheet constitutes change in circumstance.

3. I have perused the records and considered the submissions advanced by Mr. V.V. Purwant, the learned counsel for the Applicant and Mr. Arfan Sait, learned APP for the Respondent -State. The previous application for anticipatory bail filed by the Applicant was rejected vide order dated 21st December, 2015. It is pertinent to note that in the previous order it was clearly held that statement of one of the witnesses prima facie reveals that the Applicant herein was also involved in the conspiracy to commit the robbery. It was further held that considering the nature of the offence so also considering the fact that part of the stolen amount is yet to be recovered, the Applicant was not entitled for bail.

4. It is pertinent to note that statement of the witnesses -Anil forms part of the charge sheet and the same prima facie proves the involvement of the Applicant in the said crime. Furthermore the prosecution has relied upon the CDR details, which prima facie shows the presence of the Applicant within a radius of 200 meters from the place of incident. Hence, the contention of the learned counsel for the Applicant that there is no prima facie material to show the involvement of the Applicant in the said crime cannot be accepted. Needless to state

that in the absence of any change of circumstances subsequent application for anticipatory bail is not maintainable.

5. Hence, the application for anticipatory bail is rejected.

(SMT. ANUJA PRABHUDESSAI, J.)