

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1913 OF 2015

Akshay Kumar Kamble	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Vaibhav R. Gaikwad, Adv. for the applicant.

Mr. Arfan Sait, APP for the State.

Samadhan Chavare, API, Medha Police Station, Satara. Present.

CORAM : SMT ANUJA PRABHUDESSAI, J.

DATE : 4th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.14 of 2015 registered at Medha Police Station, Satara for the offences punishable under Section 392 read with 34 of the IPC.

2. Mr. Gaikwad, the learned counsel for the applicant has stated that the FIR has been lodged after considerable delay. He has further stated that there is no prima facie material to attract the ingredients of Section 392 of the IPC. He has further submitted that the applicant is an engineering student and that he has no criminal antecedents. He has submitted that applicant is entitled for

anticipatory bail.

3. Mr. Sait, the learned APP for State submitted that the applicant was absconding since the date of the offence. He has further submitted that the stolen chain, titan watch as well as motor cycle used in commission of crime are yet to be recovered.

4. 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 Ashok Jadhav had lodged the FIR dated 14th March, 2015 stating that on 7th March, 2015 at about 7.30 pm, while he along with his friend Sadanand were proceeding from Degaon to Mahu, the applicant and others intercepted the motorcycle and thereafter assaulted him and his friend by kicks and blows. They had also snatched the chain worth Rs.25,000/- and titan watch worth Rs.700/- approximately. Based on the said FIR the aforesaid crime came to be registered. It is to be noted that the said FIR was lodged about 7 days after the incident. Though the crime was registered on March, 2015 till date no attempts were made to arrest the applicant / accused. The applicant is a college student and the contention of the learned APP that he was

absconding cannot be accepted, the records do not prima facie indicate that the investigating agency made any attempts to trace the applicant or to verify from the college authorities whether the applicant was attending the college or not.

5. Considering all the above facts and particularly the delay in lodging the complaint, in my considered view, this is not a case for custodial interrogation. Furthermore the applicant is college student and there is no possibility of the applicant absconding.

6. In view of the above discussion the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicants in Crime No.14 of 2015 registered at Medha Police Station, Satara, the applicant shall be released on bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Medha.
2. The applicant shall report to investigating officer for 4 days from 10am to 2 pm from the date of the receipt of the order and further as and when required by the investigating officer

for the purpose of the interrogation.

3. The applicant shall not tamper with the evidence or influence complainant and witnesses in any manner.
4. The applicant shall not leave Satara district till filing of the chargesheet without prior permission of the JMFC, Medha.

(ANUJA PRABHUDESSAI, J.)