

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

ANTICIPATORY BAIL APPLICATION NO.273 OF 2016

Jafar Shijmal Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Padmanabh D. Pise for the Applicant.

Mr. Y.M. Nakhwa, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 12th FEBRUARY, 2016.

P. C. :

This is an application for anticipatory bail filed by the aforesaid Applicant apprehending his arrest in Crime No.280 of 2015 registered at Pandharpur Police Station, District-Solapur, for offences punishable under section 392 r/w. 34 of the IPC.

2. The case of the prosecution in brief is that on 5.10.2015 at about 12.30 p.m. the Applicant and the co-accused went to S.K. Petrol Pump on their motor-cycle and under the pretext of taking change, they snatched away cash of Rs.2 lakhs from the said petrol pump. Pursuant to the FIR lodged by one Madhukar More, aforesaid crime was registered. Apprehending his arrest in the said crime the

Applicant filed an application for anticipatory bail before the Additional Sessions Judge, Pandharpur. Said application came to be dismissed by order dated 18.1.2016. Hence, the present application.

3. Mr. Padmanabh Pise, the learned counsel for the Applicant has submitted that there is no prima facie material to indicate that the Applicant was involved in the said crime. He has stated that the Applicant is therefore, entitled for bail.

4. Mr. Y.M. Nakhwa, the learned APP for the Respondent-State has submitted that the Applicant had come to the said petrol pump alongwith another person, who was caught at the spot and that they had snatched away cash of Rs.2 lakhs and tried to flee away from the place of the incident. He has further stated that the driving license and identity card of the present Applicant was found in possession of the co-accused, who was caught at the spot of the incident. He has further stated that the co-accused had disclosed the name of the pillion rider as Jafar Shijmal Khan, the Applicant herein. He has further stated that there is C.C.T.V. footage, also shows the involvement of the Applicant and the Applicant has criminal antecedents.

5. I have perused the records and considered the submissions advanced by the learned counsel for the Applicant and the learned APP

for the Respondent -State. The FIR lodged by Mr. Madhukar More, prima facie reveals that on 5.10.2015 he had kept cash of Rs.4,22,170/- in the office of S.K. Petrol Pump. On the same day at about 12.30 p.m. two persons had come to the office of the petrol pump and one of the persons had gave him a note of Rs.1,000/- denomination and asked him to give change in the denomination of Rs.10/-. He has stated that while he was trying to give him change, said persons pushed the complainant and snatched away three bundles of Rs.500/- denomination and tried to flee away from the place of the incident. He shouted for help and some persons gathered at the place of the incident, chased the motor-cycle and caught the co-accused, who was the pillion rider. Said accused disclosed the name of the rider of the motor-cycle as Jafar Shijmal Shaikh, i.e. the Applicant herein. Madhukar More thereafter lodged the complaint against the Applicant and the co-accused.

6. The statements of the witnesses, who were present at the spot and had caught the co-accused indicate that the co-accused had disclosed the name of the rider of the motor-cycle as Jafar Shijmal Khan, the Applicant herein. The records prima facie indicate that the co-accused was in possession of the driving license and the identity

card of the Applicant. All the above facts prima facie disclose the involvement of the Applicant in commission of the said crime. The learned APP has submitted that the Applicant is involved in eight other crimes of similar nature. The criminal antecedents of the Applicant also would not justify grant of anticipatory bail.

7. under the circumstances and in view of discussion supra the application for anticipatory bail is dismissed.

(ANUJA PRABHUDESSAI, J.)