

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 350 OF 2016

Sunil Dattatraya Vatkari

..Applicant

v/s.

The State of Maharashtra.

..Respondents

Mr. J. Shekhar i/b. J. Shekhar & Co. for the Applicant

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

Mr.P.P.Kshirsagar, Dy.S.P. Pune Railway Police Station present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : FEBRUARY 24, 2016.**

P.C.

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.19 of 2016 registered with Railway Police Station, Pune for offences punishable under Section 394 r/w. 34 of the Indian Penal Code.

2. The aforesaid crime was registered pursuant to the FIR lodged by Railway Police Constable Shri Nandkumar Ghorpade. Apprehending his arrest in the said crime, the applicant had filed an

application before the Sessions Court which came to be dismissed by the learned Addl. Sessions Judge vide order dated 16.2.2016. Hence the present application.

3. Mr. Shekhar, the learned counsel for the applicant has argued that the applicant is not involved in committing the said crime. He has submitted that the complaint is filed after considerable delay. He has further submitted that the victim had not identified the applicant herein. He therefore claims that the applicant is entitled for bail.

4. The learned APP for the State has submitted that there is prima facie material against the applicant in committing the said crime.

5. I have perused the record and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR prima facie reveals that on 4.12.2015 a passenger by name Dinesh Patel, traveling by Mysore Ajmer train had called the help line and had informed that two persons who were in police uniform had conducted his search and had seized from his possession one pan masala packet. They demanded from him cash of Rs.1 lakh in order to settle the matter, and thereafter took away his Rs.16000/- from his pocket. The said police constables had also

checked his mobile phone. The said passenger Dinesh had also informed that two other persons were also present along with the said two police constables. The victim Dinesh had given the description of the two railway police constables. He had also reported that on 5.12.2015 while he was at Ajmer Railway Station, he had received a phone call on his phone from phone no. 020-258236917 stating that he was ready to return the money as an enquiry against him would lead him into trouble. Subsequently, the said person returned the amount through one Sandip, friend of Dinesh.

6. Since the allegations were made against the police constable, even before lodging the FIR, preliminary enquiry was conducted and the enquiry revealed that the applicant was one of the persons involved in commission of the said crime. The report submitted by the Sub Divisional Police Officer prima facie reveals that the applicant herein is the main person involved in the crime. He is a police constable and that he has already been suspended.

7. As rightly observed, by the learned Sessions Judge, Pune, the offence becomes more serious when the person incharge of

maintaining law and order indulges in such an activity. The nature of the allegations leveled against the applicant needs to be investigated thoroughly.

8. Considering the above facts and circumstances, in my considered view, the applicant is not entitled for anticipatory bail. The application is therefore dismissed.

(ANUJA PRABHUDESSAI, J.)