

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

ANTICIPATORY BAIL APPLICATION NO. 874 OF 2016

Mr. Arjun Kathod Shelke
Versus
The State of Maharashtra

.. Applicant

.. Respondent

Ms. Sushma Mishra, Advocate for the Applicant.
Mr. A.S. Patil, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 1st DECEMBER, 2016.

P.C. :

1 The applicant is seeking pre-arrest bail in Crime No.125 of 2016 for the offences punishable under sections 115, 120B of the I.P.C. r/w. Sections 3(25), (1-A), 4(25) of the Indian Arms Act.

2 From the informer police received secret information that the group led by the present applicant was to execute one Nitin Telavane, who is a criminal active in a field of extortion in the area in which the prosecution claimed that the applicant is also operating the gang.

3 Based on the secret information, the mobile number of all the accused persons put under surveillance, the conversation was tape recorded and accordingly raid was carried out in which some of the accused from the gang led by the applicant were arrested.

4 The learned A.P.P. in the above background of the prosecution story submits that the applicant's custodial interrogation is necessary for

the reason that the applicant is a habitual criminal having 20 offences at his credit. The learned A.P.P. then would urge that there is sufficient material to connect the present applicant to the crime in question. According to him, there is a case for custodial interrogation.

5 Having considered the case of the prosecution in the background of the story narrated in the F.I.R. and the other material, the applicant was initially booked for the offences punishable under Sections 302. The F.I.R. to the said extent appears to have been quashed by the High Court Division Bench on 10.10.2016 in Criminal Writ Petition No.1611 of 2016.

6 So far as offence under the Arms Act and Section 150 and 120B i.e. conspiracy, I hardly notice any material on the record to connect the present applicant particularly in the issue of involvement in hatching a conspiracy to kill Nitin.

7 There is hardly any material to connect the present applicant to the crime in question. In view thereof, the application needs to be allowed.

8 In the event of arrest, the applicant be released on bail on executing PR. Bond of Rs.50,000/- with one or two sureties in the like amount. The applicant shall appear before the Investigating Officer as and when called. The applicant shall not tamper with the evidence or influence the witnesses.

(N.W. SAMBRE, J.)