

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

ANTICIPATORY BAIL APPLICATION NO. 1556 OF 2016

Jason Kishore Bhatia

... Applicant

vs.

The State of Maharashtra

... Respondent

Mr. Satyavrat Joshi, for the applicant.

Smt. N. S. Jain, A.P.P. for the State/respondent.

Coram : N. W. SAMBRE, J.

Date : 23rd November, 2016

P.C. :

1. The applicant is seeking pre-arrest bail in Crime No.268 of 2016 for the offence punishable under Sections 452, 342, 392, 395, 397, 450, 506(2) r/w 34 of the Indian Penal Code, under Sections 37(1), 135 of the Bombay Police Act and under Sections 3, 25 of the Indian Arms Act.
2. The applicant-accused to be the cousin brother of another co-accused namely Johnson @ Pintu @ Baba Baptist who has carried out theft and after selling the stolen property has handed over Rs.5,00,000/- to the applicant. The applicant in the above referred background while trying to make out a case for

grant of pre-arrest bail, would submit that the applicant has no connection whatsoever to the crime in question. According to him, the said Baptist is distantly related to him. At no point of time he has handed over Rs.5,00,000/- to the applicant, which is part of the stolen property. He would then submit that the applicant is trying to falsely implicate him in the crime in question, so as to forced him to surrender an amount of Rs.5,00,000/-.

3. Smt. Jain, the learned A.P.P. strenuously opposed the application on the ground that there is enough material to infer that the applicant has received Rs.5,00,000/- out of the consideration after the stolen property was sold.

4. It is required to be considered from the investigation papers that the relationship between the applicant and the main accused is not in dispute. The accused Baptist appears to be son of maternal aunt of the applicant.

5. When the applicant was confronted by the police before the Baptist, after his arrest he has made a statement that he has received the amount in the month of May and shall surrender the same as he has spent the said amount.

6. The Memorandum of Discovery under Section 27 and the statement of the applicant, prima facie, it depicts that the applicant's involvement in the crime in question to the extent of

sharing the booty. In this background no case is made out for grant of bail. Hence, the application is rejected. Observations are prima facie.

[N. W. SAMBRE, J.]