

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1717 OF 2015

Vijay Balasaheb Ghule & Anr.	...	Applicants
Vs.		
The State of Maharashtra	...	Respondent

Mr. Rupesh Zade, Adv. for the applicants.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 12th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicants apprehending their arrest in Crime No.272 of 2015 registered at Yavat Police Station for offences punishable under Section 392 r/w. 34 of the IPC.

2. The case of the prosecution in brief is that on 1st August, 2015 at about 8 am the applicants herein forcibly took possession of the Ashok & Layland dumper bearing No. MH-42-T-646 owned by Rahul Kapre and took Rs.5,000/- from the possession of the driver Shahaji Dorge.

3. Heard Mr. Zade, the learned counsel for the applicant and

Mr. Adsul, the learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The records prima facie reveal that the complaint in respect of the alleged incident of 1st August, 2014 was lodged by the driver on 3rd September, 2015 i.e. after a period of one month from the date of the incident. The complainant does not give any cogent reasons for not lodging complaint immediately after the incident. The delay in lodging the complaint would not justify custodial interrogation. Even otherwise the applicants are permanent residents of Pune and have roots in the society and there is no possibility of applicant absconding. The applicants have no criminal antecedents.

4. Considering all the above facts and circumstances the application is allowed under the following terms and conditions.

1. In the event of the arrest of the applicants in Crime No.272 of 2015 registered at Yavat Police Station, the applicants shall be released on bail bond of Rs.25,000/- (Rupees Twenty Five thousand only) each with one or two sureties in the like amount to the satisfaction of the JMFC, Daund.

2. The applicants shall report to the investigating officer for 4 days from 10 am to 1 pm from the date of receipt of this order and further as and when required by the investigating officer for the purpose of the interrogation.

3. The applicants shall not leave Pune district till filing of the chargesheet without prior permission of JMFC, Daund.

(ANUJA PRABHUDESSAI, J.)