

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1982 OF 2016

Mr. Gorakh Abhiman Sarade @ Gaurav.	Applicant
Vs.	
The State of Maharashtra & Anr. ...	Respondents

Mr. Chintanya Malgaonkar a/w Ms. Komal Shinde i/b. GMS
Legal, Advocate for the applicant.
Mr. S. S. Pednekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 2nd December, 2016.

P.C.

Heard. This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No.580 of 2016 registered at Indapur Police Station for the offence punishable under Section 399 of the Indian Penal Code.

2. The learned counsel for the applicant submits that the applicant is an agriculturist. Six persons were apprehended on the spot when they were about to commit dacoity at the ATM or some other place in the said village.

3. The learned APP submits that there are no criminal antecedents.

4. The learned counsel for the applicant also submits that only because the motor-cycle of the applicant was attached in the said case, he has been arraigned as an accused. The learned counsel for the applicant submits that the accused – Yogesh Pawar is acquainted with the present applicant and had used his motor-cycle on the day of incident. The learned counsel rightly submits that that would not be a good ground for custodial interrogation.

5. Taking into consideration, the papers of investigation and the fact that the applicant has no criminal antecedents and was not apprehended at the scene of offence, the applicant deserves pre-arrest bail.

6. The observations are prima facie in nature and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)