

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

ANTICIPATORY BAIL APPLICATION NO.88 OF 2017

Lyakatali Jainuddin Kumthe	... Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr.V.V. Purwant for the Applicant
Mr.Rajan Salvi, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 18, 2017

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused as he is facing charges under sections 395, 504, 506 of the Indian Penal Code in C.R. No.119 of 2016 registered with Valsang police station, District Solapur. It is the case of the complainant Dattatray Malme, that he was working as a driver in one Samartha Aqua Company, Malegaon, Taluka Barshi. On 7.5.2016, when he was proceeding alongwith his supervisor and some other persons in a tempo to deliver goods i.e., water bottles at Mauje Alage in the said tempo, at 7pm, near Ahirwadi Shivar, two persons came to their vehicle on a motor cycle, which had no registration number. Their faces were covered

with scarf and they robbed them of their entire cash of Rs.37,500/- so also their personal cash and thus, the robbers took a total cash of Rs.49,000/- and fled away. Pursuant to this, the complainant gave information to the police and the offence was registered as mentioned above.

2. The learned Counsel for the applicant/accused submitted that there is no evidence against the applicant/accused. The offence has taken place on 7.5.2016 and the faces of the robbers were covered. He submitted that except the statement of the co-accused, there is no evidence.

3. Learned Prosecutor has opposed the application and submitted that it is a case of robbery and the police wants to interrogate the applicant/accused in custody.

4. Perused the FIR and the supplementary statement. The incident took place on 7.5.2016 at 7pm and immediately on the next day, i.e., 8.5.2016, a complaint was given by the complainant. This is the offence of robbery and there is partial recovery of Rs.20,000/- and also the RTO number plate of the motor cycle is recovered.

5. In view of the above and as the case is of robbery, custodial interrogation is required for investigation. Hence, the application is rejected.

(MRIDULA BHATKAR, J.)