

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

ANTICIPATORY BAIL APPLICATION NO.447 OF 2017

Nehal Yuvraj Lokhande Applicant

versus

State of Maharashtra ... Respondent

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- Mr.Noman Ahmed Jafri, Advocate for the Applicant.
- Ms.Pallavi N. Dabolkar, APP for the State/Respondent.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 14th MARCH, 2017.**

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 394 r/w 34 of the Indian Penal Code in C.R.No.457/16 of Sangvi Police Station, Pune. The offence is registered at the instance of Santosh Dashrath Kachi on 06/12/2016.

2. It is the case of prosecution that on 05/12/2016 at night the applicant/accused alongwith other accused have
Nesarikar

demanded amount of Rs.2,00,000/- from the complainant and they robbed him of Rs.38,000/- which he has collected as a bank recovery. They forcibly took him to Hotel Maharaja. They had liquor and and also food and then two accused alongwith co-accused assaulted the complainant. They made him to pay the bill. By hypothecating some article, they also robbed him of his two gold chains and thus they committed robbery of Rs.3,03,000/- approximately. Then on the next day i.e. 16/12/2016 complainant gave information to police and offence was registered.

3. The learned counsel for the applicant/accused submitted that the applicant/accused is innocent. His name is not mentioned in the FIR. He has submitted that name of the applicant/accused has subsequently transpired and he is falsely implicated. The learned counsel further submitted that the applicant/accused is a student of F.Y.B.A. and his annual examination is going to commence from 21/03/2017. She submitted that if he is not granted pre-arrest bail, he is likely to loose his one year.

4. The learned prosecutor opposed the application. She submitted that it is an offence of robbery on the public road and the applicant/accused alongwith other accused have created terror in the locality and therefore nobody came to help the complainant. She further submitted that the applicant/accused is required for test identification parade, as his identity to the fixed by the complainant. Moreover, the applicant/accused is prosecuted in one case i.e. C.R.No.290/16 registered with Sangvi Police Station for the offence under section 307, 427 of IPC and he was released on bail. Nearly 1 and ½ month prior to the present incident, he has committed this offence.

5. Perused the FIR. Perused the statement of witnesses and considered the submissions. The manner in which the offence is committed is really created terror in the society. The name of the applicant/accused is not taken by the complainant as he was not known to him and he saw him for the first time when the offence was committed. However, the names of three

co-accused are mentioned in the FIR. The police may want to conduct the test identification parade. Moreover, the applicant/accused who is facing charges under section 307, 324 of IPC in C.R.No.290/16 registered with Sangvi Police Station was released on bail and he has committed this offence when he was on bail. Under such circumstances no pre-arrest bail can be granted to the applicant/accused. Hence the application for pre-arrest bail stands rejected.

6. However, the applicant/accused may surrender before learned J.M.F.C. on 15/03/2017 at 11.00 a.m. and the learned J.M.F.C. may consider his application further and may reject or allow the application on merits independently. However, the learned Magistrate may also consider that the applicant/accused is appearing for examination. The learned J.M.F.C. may impose the suitable conditions or give necessary directions to police enable him to appear in the examination, if at all he is taken in custody.

(MRIDULA BHATKAR, J.)