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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.751 OF 2017

Dattatreya Laxman Daund	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Shashikant Chaudhari a/w Mr.Nilesh G. Tank and Mr.Pranat Pawar, i/b Maharashtra Law Associates, for the Applicant.

Mr.Prashant Jadhav, A.P.P. for the Respondent-State.

P.N/908 – Mr.B.S.Khandekar, Vaduj Police Station, Satara.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th APRIL, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks pre-arrest bail in connection with C.R.No.278 of 2016 registered with the Vaduj Police Station, Satara, for the alleged offences punishable under Sections 393, 394 r/w 34 of the Indian Penal Code and under Sections 4 r/w 25 and 27 of the Arms Act.

3. Learned Counsel for the applicant submitted that the applicant has been falsely implicated in the said case. He submitted that the applicant's name is not disclosed in the FIR and that he has been named for the first time in the supplementary statement. He submitted that although the incident has taken place on 2nd November, 2016 at about 9.30 p.m., the complaint was lodged only on 3rd November, 2016 at about 4.30 a.m. He submitted that 3 to 4 accused have been arrested in the said case and recovery has been effected from one of the co-accused and hence custodial interrogation of the applicant is not necessary.

4. Learned APP opposed the application. He submitted that although the applicant's name is not mentioned in the FIR, the same has been disclosed in the supplementary statement dated 26th January, 2017. He submitted that the applicant has been absconding since the date of the incident and that there are 2 CRs which are similar in nature, registered against him, for the offence punishable under Section 379 of the Indian Penal Code.

5. Perused the papers. The incident in question has taken place

on 2nd November, 2016 at about 9.30 p.m. According to the complainant, after finishing his business, he had kept cash of Rs.30,000/- in his tiffin box, which was kept in a bag. He has stated that after closing his shop at about 9.30 p.m., he left for his home alongwith his cousin – Rahul on his motorcycle. He has further stated that when they reached Ethanol Project, near Hingane Taluka Khatav, at about 9.50 p.m., they found 2 motorcycles coming from the direction of Tadavale Road. He has stated that as one of the motorcycle hit his scooty, he fell down alongwith his bag. He has stated that 4 persons on 2 motorcycles approached them; that out of them, 2 persons were armed with sharp edged weapons like swords and one of them was holding a stick and the other a pistol. He has stated that the bag containing Rs.30,000/- was snatched from him and that one of the persons removed their mobile phones from their pockets. 3 co-accused were arrested, pursuant to the complaint lodged and charge-sheet has been filed as against them. The applicant has been absconding since then. The material on record shows that the applicant has been specifically named in the supplementary statement, as being one of the persons who was amongst the 4 persons. There are 2 similar cases registered as against the applicant for the offence punishable under Section 379 of Indian Penal Code.

6. Considering the aforesaid, this is not a fit case to grant pre-arrest bail to the applicant.

7. Accordingly, the Application for pre-arrest bail is rejected and disposed of as such.

8. It is made clear that the observations made herein are *prima facie* for deciding this application and if an application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)