

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.977 OF 2017

Mukhtar Ansari	Applicant
versus	
State of Maharashtra	Respondent

Mr.R.U.Jha for Applicant.
Smt.Veera Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 16th June 2017

PC :

1. This is an application for anticipatory bail in connection with offence registered with Rabale MIDC Police Station vide CR No.136 of 2017. The offence was registered under Sections 399 and 402 of Indian Penal Code. It is the prosecution case that information was received by police that some persons are planning to commit dacoity in the premises viz Unbriko Company with a view to commit theft of goods lying in the said factory. On receipt of the said information, the police visited the place. It was noticed that some persons reached the said spot in a vehicle. Five persons got out of the vehicle. One of them instructed others to get down from the vehicle with the weapons and further instructed that if any person comes in between, he should be assaulted. The said persons then got down from the vehicle and picked up the articles from the said premises and loaded the same in the vehicle. The police tried to nab them. However, two of them managed to run away from the said place.

Three persons, however, were apprehended and the goods which were stolen, were seized by police. It is the prosecution case that during the course of investigation it was revealed that the Applicant is the master mind behind the theft and according to the prosecution, he was also present at the scene of offence.

2. Learned advocate for the Applicant submitted that the Applicant has been falsely implicated in the crime. He further submitted that three persons were apprehended at the scene of offence. The Applicant was not found present at the place of incident. He further submitted that Section 399 of IPC has been wrongfully invoked by police, as it is not the case of preparation to commit dacoity. He further submitted that he has been implicated on account of political rivalry and since he is not in good terms with police authorities. He submitted that the Applicant is not keeping good health. He further submitted that the allegation that the Applicant had ran away from the scene of offence, is devoid of any merit, because it is difficult to digest that the Applicant who is aged about 43 years, would manage to run away from the scene of offence. He further submitted that considering the status of Applicant, it is difficult to accept that he would indulge in such crime.

3. Learned APP vehemently opposed this application. It is submitted that during the course of investigation, it was revealed that the Applicant is involved in the said crime. It is further submitted that during interrogation of the accused, it was found that the Applicant was also present at the place of incident and had

participated in the crime. He further pointed out that there are about sixteen cases registered against the Applicant, most of which are for offences of theft. She submitted that custodial interrogation of the Applicant is necessary considering the complicity of Applicant in the said crime.

4. I have perused the FIR and other documents annexed to the application. During the course of investigation the involvement of Applicant has been disclosed. It is necessary to conduct custodial interrogation of the Applicant. He is involved in sixteen cases in the past and most of said cases are under Sections 379, 380 and 457 of Indian Penal Code. Considering the role attributed to the Applicant and his involvement being shown during the course of investigation, this is not a fit case to grant anticipatory bail. Hence, I pass following order :

ORDER

(i) Anticipatory Bail Application is rejected.

(PRAKASH D. NAIK, J.)