

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1641 OF 2017

Vaibhav Ganesh Zagade and ors. ...Applicants.
vs.
State of MaharashtraRespondent.

Mr. Vrushali Maindad for the Applicants.
Mrs. Rutuja Ambekar, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 18th September, 2017.

P.C.

1. The applicants are apprehending arrest in CR No.293 of 2017 dated 30.6.2017 registered with Baramati Taluka Police Station, District Pune under Sections 395, 397 of the Indian Penal Code.
2. The first information report is lodged by Mayur Balasahib Satav alleging that on 29.6.2017 in the afternoon at about 1.00 p.m., he along with his friend namely Srikant Pawar were sitting on the steps of Vidya Pratishthan College and all of a sudden five persons came from behind and out of them one person snatched chain made up of gold metal from his neck. The first informant tried to resist the same however one of the five persons caught hold of the informant and other persons assaulted him with sickle and iron rod. One of the person was having iron fighter in his hand and the said person also assaulted the first informant. When the friend of the first informant tried to rescue him from the clutches of the assailants, he was also assaulted with stones and

sickle. The injured witness identified the said assailants as the applicants herein. In the premise the first information report is lodged.

3. The learned counsel for the applicants submitted that as a matter of fact the applicants herein and precisely applicant No.2 Sourabh Zagade has also lodged cross complaint against the first informant bearing CR No.293/2017 against Mayur Satav and Srikant Pawar under Section 395 and 397 of the Indian Penal Code. She submitted that the applicants herein are college students. That, no recovery is to be effected from the applicants as they have been falsely implicated in the present crime and therefore, the applicants may be granted pre-arrest bail.

4. Perused the record of investigation and it clearly appears that the cross complaintt lodged by applicant No.2 Saurabh Zagade bearing CR No.295/2017 is lodged belatedly and is an after thought. The record further indicates that the first informant in CR No.293/2017 was severely injured and sustained injuries on his vital parts of the body. The Trial Court has recorded a finding that when CR No.295/2017 was registered at the instance of applicant No.2 herein, the injured namely Mayur and Srikant in CR No.293/2017 were admitted in Government Hospital and it is the reason to observe that subsequent CR No.295 of 2017 registered by the applicants herein is an after thought. Apart from the said fact it is to be noted here that the weapons used in the present Crime i.e. CR No.293 of 2017 are yet to be recovered from the applicants

and for the same, custodial interrogation of the applicants is necessary. A chain made up of gold metal which was on the person of the informant Mayur which is alleged to have been robbed by the applicants is also to be recovered. For the recovery of the aforestated articles of crime the custodial interrogation of the applicants is necessary.

In view of the above, this Court is of the view that the applicants cannot be protected by way of pre arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)