

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

ANTICIPATORY BAIL APPLICATION NO. 2002 OF 2017

Mayur Rajesh Marathe

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. Satyavrat Joshi for the Applicant.

Mr. A.A. Palkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 22nd NOVEMBER, 2017

P.C.:

1 This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No. 520 of 2017 dated 11.09.2017 registered with Pimpri Police Station, District Pune under Sections 395 and 347 of the Indian Penal Code, under Sections 3 and 7 of Criminal Law Amendment Act, under Section 4 of the Arms Act and under Section 37(1) read with Section 135 of the Bombay Police Act.

2 Heard the learned Counsel for the Applicant, the learned APP and perused the record of investigation.

3 The first information report is lodged by Ms. Bhavna Khanchandani on 11.09.2017. It is stated that she works as a Sales Executive at Sadguru Enterprises (Vodafone Gallery), Nehru Nagar, Pimpri, Pune. That on the date of incident at about 2.15 p.m., two four wheeler cars came at the shop and the

Applicant along with 5 to 6 other persons barged into the store and asked the first informant, whereabouts of Rohit Kapse and Rohit Kalje. The informant therefore, immediately gave a call to Mr. Rohit Kapse, who told her that he is reaching to the shop within 10 to 15 minutes. The Accused persons demanded her mobile phone to which she denied. At that relevant time, one of the accused persons whipped out one sickle and banged on the glass counter of the said store. The accused persons thereafter, threw laptop and computer on the floor and damaged it. It is stated that, she got scared of the said situation, gave call to neighbors for help. However, the neighboring shop owners due to fear shut down their shops and ran away from the scene of offence and nobody come forward to help her.

It is further categorically stated that the Applicant along with said other five persons thereafter, banged door of the said store and one of the persons threatened the first informant with the said sickle. That the Applicant and other persons thereafter, robbed Rs.7000/- from the counter of the said store and fled from the scene of offence from the said four wheeler cars. In the premise, the first information report is lodged. In her supplementary statement, the said informant has stated that in the said incident, her gold chain and bracelet made up of gold metal were also robbed by the Applicant and other co-accused persons.

4 Learned Counsel for the Applicant submitted that the Applicant is 20 years old student. That if the Applicant is taken into police custody his entire carrier

will be ruined. He further submitted that as a matter of fact, father of Applicant has advanced a loan of Rs.3,00,000/- to Mr. Rohit Kalje, who is owner of the said Sadguru Enterprises and as the said Rohit Kalje did not return that amount, the Applicant had been to the said shop for demanding the said amount. However, the incident as alleged did not take place. Learned Counsel for the Applicant on instructions from the father of the Applicant who is present in the Court submitted that Applicant is ready and willing to deposit as Rs.67,000/- in the Registry of this Court to prove his bonafide. He submitted that the custodial interrogation of the Applicant may be avoided and Applicant may be granted pre-arrest bail.

6 Perused the record of investigation.

7 The record of investigation clearly reveals the complicity of the Applicant in the present crime is apparent. As noted earlier, after the Applicant along with 5 to 6 co-accused persons barged into the store of first informant and when started committing robbery, the neighboring shopkeepers due to fear closed down their shutter and ran away from the scene of offence and nobody came to help the first informant. The police have recorded statements of about six eye witnesses, who have duly corroborated the version of first informant. It is thus apparent that apart from the alleged act of robbery/dacoity committed by the Applicant, the Applicant along with other co-accused persons had tried to create a rein of terror in the locality. The vehicles, sickle and other weapons used in the present crime

are yet to be recovered. The identity of the other accused persons is yet to be established and same is not possible without custodial interrogation of the Applicant.

8 After taking into consideration the material available on the record, serious allegations against the Applicant and the gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by pre-arrest bail and the application accordingly rejected.

(A.S.GADKARI, J.)