

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2077 OF 2017

Amol Apparao Kshirsagar

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Nitin Patil i/b. M/s. Hulyalkar & Associates, Advocate, for the
Applicant

Mrs. S. S. Kaushik, APP, for the Respondent – State

CORAM : A.S.GADKARI, J.

DATE : 28.11.2017

P.C.

. This is an Application under Section 438 of Cr. P.C. for pre-arrest bail in CR No. 975 of 2017 registered with Hadapsar Police Station, Pune under Sections 399, 402 of the Indian Penal Code, under Section 4(25) of the Arms Act and under Section 37(1) r/w 135 of the Bombay Police Act.

2. The first information report is lodged by Shri Dattatraya B. Katam, Police Havaladar attached to Anti Dacoity Cell, Crime Branch, Pune. It is stated that on 07.10.2017, Police Inspector attached to the said Cell received confidential information from his informant that, the accused persons involved

in a dacoity on Pune - Bangalore Highway which took place prior to the date of present incident, have assembled in Mantarwadi Chowk, Katraj Bypass road for committing robbery of cash of a Bank. That accordingly, the police formed two teams and conducted raid at the said spot. The police accosted five persons on the spot, however, one person was successful in fleeing away from the scene of offence. From the said five persons, accosted at the spot, dangerous weapons were found on their person. During their enquiry, they revealed the name of the Applicant as the person who fled away from the scene of offence. In the premise, the present crime is registered.

3. The learned counsel for the Applicant submitted that the Applicant is an Engineer by profession and is gainfully employed with Hyundai Motors at Pune. That after taking into consideration his vocation, it is not possible for him to involve into such sort of activity. He further submitted that the statement of co-accused given to the police cannot be relied upon to implicate the Applicant in the present crime. He, therefore, prayed that the Applicant may be granted pre-arrest bail.

4. Perused the record.

The first information report clearly indicates that after accosting co-accused on the spot, during their enquiry, they revealed the name of the Applicant as the person who fled away from the scene of offence after sensing the fact that police have accosted them. As far as the contention with respect to the statement of co-accused is concerned, by now it is the settled position of law that, the statement of co-accused can be taken into consideration at the time of investigation and for further investigation of crime. The learned trial Judge in the impugned Order dated 20.11.2017 has recorded that the Applicant is also an accused in C. R. No. 366 of 2017 under Section 395 of the Indian Penal Code.

5. In view of the above and after taking into consideration the 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 way of pre-arrest bail.

6. Application is accordingly rejected.

(A.S.GADKARI, J.)