

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 767 of 2017
[Shridhar Raju Jupaka Vs. State of Mah., Rajura PS, Distt. Chandrapur]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. S. O. Ahmed, Adv., for the applicant.
Mr. Ghodeswar, APP for non-applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 03rd November, 2017

The applicant apprehends his arrest in connection with Crime No. 806/2017 registered at Rajura Police Station, Distt. Chandrapur, for the offences punishable under Section 394 and 427 of Indian Penal Code.

As per the First Information Report dated 30th July, 2017 when the informant was proceeding towards Chandrapur from Asifabad in his four wheeler, near Bhambara village, his vehicle, which was being followed by a two wheeler, was stopped near the Forest Outpost. The applicant herein along with one other prevented the informant from proceeding ahead. Other associates of the applicant damaged the car of the informant. In that

process, the applicant and his accomplice removed amount of Rs.1,80,000-00 from the drop box of the car and also assaulted the informant. This incident was alleged to have occurred on 28th July, 2017 at about 9.30 p.m.

It is submitted on behalf of the applicant that the informant himself is a history sheeter and merely on the basis of earlier rivalry, the present applicant has been implicated. The only role attributed to the applicant is of lowering down the rod of the intercepting gate so as to prevent the informant from proceeding ahead. The denominations of amount of Rs.1,80,000-00 have not been mentioned nor is it the case that the car was searched after which said amount was removed. It is also submitted that two other accused have been released on bail granted by this Court.

The application is opposed by learned Addl. Public Prosecutor by relying upon the reply. It is submitted that the police personnel who came there immediately arrested the colleagues of the applicant. The statements recorded indicate presence of the present applicant as well as his role in removing the amount from the car of the informant.

Perused the First Information Report as well as the police papers.

The statements recorded indicate the acts of the applicant of first stopping the vehicle of the informant and thereafter along with his accomplice removing the amount of Rs.1,80,000-00 from the informant's car. The antecedents of the informant by themselves are not sufficient to grant protection to the applicant herein, especially when statements of witnesses prima facie indicate involvement of the applicant. Similarly, the orders relied upon in respect of other accused are passed under Section 439 of the Code of Criminal Procedure, 1973 by observing that those applicants were not attributed the role of removing the amount from the informant's car.

Considering the material available with the Investigating Officer, I do not find any case made out to exercise discretion in favour of the applicant. The application is, therefore, rejected by clarifying that the observations made in this order are only for deciding the present application.

Judge