

nsc.

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

ANTICIPATORY BAIL APPLICATION NO.498 OF 2018

Umesh Daulat Vasle	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.P.G.Pandey a/w Ms.Pragati Shirke, for the Applicant.

Ms.P.N.Dabholkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th APRIL, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.502 of 2017 registered with the Kurla Police Station, Mumbai, for the alleged offences punishable under Sections 394, 397, 395, 342, 452, 506(ii) and 34 of the Indian Penal Code and under Sections 37 and 135 of the Maharashtra Police Act.

3. Perused the papers. The allegation as against the applicant is that he drove the co-accused to Fitwala Chawl, Kurla (West), Mumbai, where the dacoity was allegedly committed. According to the prosecution, the incident took place on 13th December, 2017, at about 7.30 p.m., when the complainant-Sunil Mehta was closing his shop. It is alleged that 3 unknown persons entered the shop, closed the door of the shop from inside; that one unknown person removed a gupti and placed it on the complainant's neck and forced him to give his wallet; that one of the accused took Rs.15,000/- cash from the safe of the complainant's shop and snatched a gold chain (worth Rs.50,000/-) and thereafter the said 3 unknown persons left the shop. The applicant is a transport operator. According to the learned counsel for the applicant as the regular driver was not available, the applicant drove the Alto Car, which was hired by the co-accused and took them to Fitwala Chawl, Kurla (West), as per the directions of the co-accused. It is not the prosecution case, that the applicant entered the shop, where the alleged incident took place. Even according to the prosecution, the applicant was sitting in the car when the co-accused got down from the vehicle and returned back after some time i.e. after the dacoity. It appears that the applicant was even paid the

transport charges and the possibility of him being unaware of the alleged plan, hatched by the co-accused i.e. of committing dacoity, cannot be ruled out.

4. Considering the aforesaid facts, the custodial interrogation of the applicant is not necessary. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/, with one or two sureties in the like amount ;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called, till the filing of the charge-sheet;

(iii) The applicant shall co-operate with the Investigating Agency.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.
6. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)