

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

**BAIL APPLICATION NO. 1338 of 2018**

Dnyaneshwar @ Mauli Tukaram Kolhe .....Applicant

V/s.

The State of Maharashtra .....Respondent

Mr. Rupesh A. Zade for the applicant.

Mr. S.S. Pednekar, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 28<sup>th</sup> AUGUST, 2018.**

**P.C.:**

. This is an application for bail under Section 439 of Criminal Procedure Code filed by the aforesaid applicant, who has been arrested in C.R.No.58/2017 registered at Bhigwan Police Station, Dist. Pune for offences punishable under sections 120(B), 394 and 397 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Rupesh A. Zade, learned counsel for the applicant and Mr. S.S. Pednekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The afore stated crime was registered pursuant to the first information report lodged by one Tushar Dattatraya Bhong, the driver of pick up bearing no. MH-42-AF-0355. The first informant has stated that on 29/05/2017, he had supplied oil cans of Soyabean company and had collected Rs.1,08,920/-. They started journey and when the pick up reached Diksad, Taluka Indapur, two persons came on a splendor motor cycle. The said persons put the motor cycle across the road and stopped the pick up vehicle. The said two persons who had covered their faces with kerchiefs came near the pick up. They assaulted the first informant with fist blows and thereafter, one of the persons inflicted an injury on his forehead by means of a sickle. They also took away cash of Rs.1,08,920/- and went away from the place of incident.

4. Tushar Bhong reported the matter to police personnel who was on night duty. He referred them to the police station. The statement of the said police constable *prima facie* reveals that the first informant had informed him about the incident and had also given description of the persons involved in the incident. He had apprehended the applicant herein. Subsequently, the identification parade was held and the applicant had been identified by the first informant as one of the

persons involved in the said incident. The records also *prima facie* reveal that the sickle was recovered from the instance of the applicant.

5. Thus, there is *prima facie* material on record to show the involvement of the applicant in committing the said crime. The records show that the applicant is involved in several crimes viz., : (i) C.R.No.61/2016 under section 3/25 and 7/25 of Arms Act ; (ii) C.R.No.74/2016 under section 323, 341, 394, 503 r/w. 34 of the Indian Penal Code ; (iii) C.R.No.165/2016 under section 323, 392, 506 r/w. 34 of the Indian Penal Code, all registered at Karjat Police Station, Dist. Ahmednagar and (iv) C.R.No.58/2017 under section 395, 397 of the Indian Penal Code registered at Bhigwan Police Station, Dist. Pune

6. Considering the nature of allegations against the applicant and considering his antecedents, applicant is not entitled for grant of anticipatory bail. Hence, application is dismissed.

**(SMT. ANUJA PRABHUDESSAI, J.)**