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

ANTICIPATORY BAIL APPLICATION NO.1589 OF 2018

Nitin @ Naresh Kedarnath Bhoth

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Sachin Chandan for applicant.

Ms. S.S. Lohokare, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 9th August 2018.

P.C.:

1] This is an application under Section 438 of Cr. P.C for pre-arrest bail in CR No.I-155 of 2018 dated 22.6.2018 registered with Ulhasnagar Police Station, District Thane under sections 392, 325, 323, 504 read with 34 of Indian Penal Code.

2] Heard the learned counsel appearing for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Mr. Bhart Purswami. It is stated that, the informant conducts business of hotel under the name “Vaishnu Hotel” at Ulhasnagar. That on 21.06.2018 at about 11.45 p.m the applicant and co-accused had been to his hotel and placed an order for

food. That the informant, prepared the food and gave bill to the applicant and co-accused of Rs.315/-. The applicant and co-accused told the informant that, they are the persons of 'Mama' and they do not pay bill of any hotel in the said locality. Initially a quarrel took place between them which ensued into a fight and it is categorically stated that the applicant gave fist blows to informant. When the friends of the informant came for his rescue, the applicant robbed the chain made of gold metal from the person of the friend of the informant and ran away from the scene of offence. In the premise the first information report is lodged.

4] The learned counsel for the applicant submitted that, as a matter of fact the aforestated incident did not take place. He submitted that, due to enmity the applicant has been falsely implicated in the present crime. He submitted that, the CCTV fixed at the said place also indicates that, the applicant was only present at the scene of offence, however, he did not participate in the crime. That the co-accused has been arrested by the police and therefore the custodial interrogation of the applicant in the present crime is not required and he may be protected by pre-arrest bail.

5] The first information report is self-eloquent and makes out a categorical case against the applicant of assault on the first informant and

robbing of gold chain from the person of the friend of the informant. The said ornament is yet to be recovered. The investigation of the present crime is at nascent stage and the entire truth behind the crime cannot be unearthed unless there being custodial interrogation of the applicant. The record of investigation indicates that the applicant and the co-accused are indulging into anti-social activities of extorting money from the hotel owners in the vicinity.

6] In view of the above and after taking into consideration the serious allegations against the applicant and the gravity of offence, this Court is of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)