

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

ANTICIPATORY BAIL APPLICATION NO.2155 OF 2017

Bandu Damu Masal		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Aashish Satpute for the Applicant.
Ms. Veera Shinde, APP for the State.

Coram : *Smt. Sadhana S. Jadhav, J.*
Date : *15th January, 2018*

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicant herein is apprehending his arrest in Crime No.31 of 2017, registered at Karmala Police Station for the offences punishable under Sections 363, 392 and 395 Indian Penal Code.

3 It is the case of the prosecution that on 19th January 2017, one Deepak Lalsing Chauhan has lodged a report at the Police Station alleging therein that on 18th January 2017, when he was proceeding towards Ahmednagar and was crossing Kavitgaon village,

in his truck bearing No. MP-09 HH-7871, 3-4 unknown persons had intercepted him. They had parked their car in front of the truck, assaulted the complainant and the cleaner and had stolen the goods worth Rs.19,98,364/- and the truck. The complainant was carrying chick peas and lentils in his truck. The complainant and the cleaner were abandoned by these persons at Shendri near Kurduwadi. The stolen goods were recovered at the behest of original accused nos.1 and 2. It is the case of highway robbery.

4 Learned counsel for the applicant submits that since the stolen goods are recovered, the custodial interrogation of the applicant would not be imperative. The offence by itself is serious. It is, in these circumstances, the applicant does not deserve discretionary relief under Section 438 Cr.P.C. The second anticipatory bail application of the applicant was rejected on 26th April, 2017 and since then he is absconding. Hence, the application being sans-merits, stands rejected.

5 The observations made hereinabove are prima facie in nature and are restricted to the application under Section 438 Code of Criminal Procedure and the trial Court shall not be influenced by the same.

(*Smt. Sadhana S. Jadhav, J*)