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

ANTICIPATORY BAIL APPLICATION NO. 680 OF 2019

Hiralal Deepak Kambale

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Nitesh Mohite, for the Applicant.

Mr. Ajay Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 19th March 2019.

P.C.:

1] The applicant is apprehending arrest in CR No.I-144 of 2018 dated 8th May 2018 registered with Vitthalwadi Police Station, District-Thane under Sections 395 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the chargesheet.

3] As per chargesheet, the applicant is accused No.5 in the present crime. It is the prosecution case that, on 7th May 2018 at about 11.30 p.m, the first informant along with his wife and daughter was proceeding from Bhatia Chowk to Puneja Classes, Ulhasnagar when the accused persons who were travelling in an auto-rickshaw accosted him and gave fist and kick

blows to him and snatched away his plastic bag containing Rs.22,000/- which was the amount received towards his salary. The accused persons also snatched away two mobile phones from the first informant and ran away from the scene of offence. During the course of investigation, the police have arrested other four accused persons and after completion of investigation have submitted chargesheet.

4] Perusal of the chargesheet would indicate that, the role attributed to the applicant is that, he was driving auto-rickshaw bearing No.MH-05/CP-3335 involved in the present crime at the relevant time and after commission of the offence, the accused persons ran away from the said auto-rickshaw of the applicant. Prima facie, it appears that the applicant has no direct role to play in the present crime. The investigation of the present crime is already completed.

5] In view thereof, this Court is of the opinion that, the custodial interrogation of the applicant for further investigation of the present crime is not necessary and the applicant can be protected by pre-arrest bail.

Hence, the following Order:-

(i) In the event of arrest in CR No.I-144 of 2018 registered with Vitthalwadi Police Station, District-Thane, the applicant shall be released on

bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount;

(ii) The applicant shall attend the Investigating Officer on 27th, 28th and 29th days of March 2019 between 11.00 a.m. to 2.00 p.m. and to join the process of further investigation;

(iii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)