

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

ANTICIPATORY BAIL APPLICATION NO.1032 OF 2019

Lahu Shivaji Kadam

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Sachin R. Pawar, Advocate for Applicant.
- Mr. S. H. Yadav, APP for the State/Respondent.
- Mr. R. A. Koli, PSI, Talegaon MIDC Police Station, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 1st AUGUST, 2019

P.C. :

1. The applicant is apprehending his arrest in connection with C.R. No.42/2019 registered at Talegaon MIDC Police Station, Pune, under section 392, 452, 323, 504, 506 r/w. 34 of IPC.

2. The FIR is lodged by one Anandkumar Paswan. He has stated that on 11/2/2019, he and his friend Santosh kumar were sleeping after having their meal. At around 9.00 p.m. somebody knocked on their door. Three unknown persons entered their

room. One of them was carrying a sickle. The other was carrying an iron pipe. All of them started assaulting the first informant and his friend. They forcefully removed three mobile phones from the first informant and his friend. They also removed Rs.550/- and thereafter, they went away. While they were committing this robbery, they said that they were applicant's people and if the informant told this to anybody, he would be murdered. It is case of the first informant that he and his friend were frightened and therefore, they did not lodge the FIR immediately.

3. Heard Mr. Sachin Pawar, Ld. Counsel for the Applicant and Mr. Yadav, Ld. APP for the State.

4. Mr. Pawar submitted that the admittedly the present applicant was not present on the spot and he is implicated falsely because of political rivalry. He submitted that even the evidence against the co-accused is very weak and therefore, on the basis of their information, present applicant could not be arrested.

5. As against these submission, Ld. APP submitted that

two of the offenders who had entered the room of the first informant forcefully, came to be arrested. Both of them were identified by the first informant during test identification parade. He submitted that there was recovery of mobile phone from the arrested accused. These mobile phones were identified by the first informant. Thus, he submitted that there is direct connection of the arrested accused with the offence in question. He therefore, submitted that on the basis of information given by this co-accused, custodial interrogation of the applicant is necessary.

6. I have considered these submission. As already pointed out by Shri. Yadav, there is strong material against the accused who was arrested. Their connection with the crime is sufficiently established at this stage. They had given the name of the present applicant that they were employees of the present applicant. Therefore, at this stage, custodial interrogation of the applicant is necessary. Hence, no case is made out for grant of anticipatory bail. Hence, the application is rejected.

(SARANG V. KOTWAL, J.)