

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

ANTICIPATORY BAIL APPLICATION NO.1033 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.112/2018 registered at Talegaon MIDC Police Station, Pune on 23/10/2018 under section 393 r/w. 34 of IPC.

2. The FIR is lodged by one Khim Bahadur Mukta Thapa. He was a labour contractor. On 22/10/2018, he had collected Rs.2,80,000/- from his Bank and was travelling with that amount for distribution to his workers. At around 4.30 p.m., he had

reached Warale Phata diversion and he was proceeding towards Navlakh Umbre. At that time, he saw that two motorcycles were parked on the left side of the road. Four persons were sitting near those motorcycle. When he crossed their motorcycles, one of these four persons chased him and tried to snatch his handbag and he tried to cut it. However, the informant showed presence of mind and went away in fast speed. Therefore, the offenders were unsuccessful in snatching his bag. After that, the first informant had lodged his FIR.

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

4. Mr. Pawar submitted that the offence was not even completed. At the most, it can be described as an attempt to commit an offence. He further submitted that, though two co-accused were arrested in this case, the investigating agency does not have sufficient material to connect these two accused with the offence and therefore, any information given by these arrested accused will have no bearing as far as the applicant's role is

concerned.

5. As against these submission, Ld. APP submitted that co-accused Vaibhav Kalyankar was arrested in some other offence on 22/2/2019. By transfer warrant he was taken in custody in this offence in March 2019. One more accused was also arrested. However, Shri. Yadav could not point out any connecting material of these two accused with the present crime.

6. I have considered these submission. It is clear that the arrested accused are not connected by some evidence with the alleged crime. Both the accused were arrested belatedly. The offence was not completed. There was no test identification parade and therefore, there is no connection of the arrested accused with the present crime. Therefore, any statement made by the co-accused will not have any bearing on the present applicant's role. In this view of the matter, for lack of evidence, the present applicant cannot be connected with the alleged crime. Therefore, his custodial interrogation is not necessary. The applicant

deserves to be granted protection of anticipatory bail. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.112/2018 registered at Talegaon MIDC Police Station, Pune , the applicant is directed to be released on bail on his executing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The ABA No.1033/2019 is disposed of.

(SARANG V. KOTWAL, J.)