

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

ANTICIPATORY BAIL APPLICATION NO.1034 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 seeking anticipatory bail in connection with C.R. No.106/2018 registered at Talegaon MIDC Police Station on 14/10/2018 under sections 452, 427 of IPC.

2. The FIR is lodged by one Prakash Choudhary who was working in a Sweet shop at Khandoba Maal. On 13/10/2018, at around 10.30 a.m. he opened the shop. Suddenly, two unknown persons entered the shop with some weapons. They broke the

glass on the counter. The informant and other employees got scared and ran towards the different room in the shop. When they came out, the offenders had already left. The informant told this fact telephonically to his employer who came to the shop. On further inquiry, the informant came to know that these two persons had similarly damaged 2 to 3 shops. On the basis of this information, the FIR is lodged.

3. Heard Mr. Sachin Pawar, Ld. Counsel for the applicant and Mr. S. H. Yadav, Ld. APP for the State.

4. Mr. Pawar submitted that the offence is quite old. The incident had occurred on 13/10/2018. The co-accused were arrested in February 2019 and there is no connecting material between the co-accused and the alleged incident. He therefore, submitted that any information given by the co-accused will have no bearing on the role of the present applicant.

5. Shri. Yadav submitted that three persons were arrested in connection with this offence in the month of February 2019. There was no test identification parade held and since nothing was stolen on the date of incident there is no recovery. Weapons recovered at the instance of the arrested accused are connected to other offence.

6. I have considered these submission. Since the investigating agency had absolutely no material connecting the co-accused with the alleged crime, any information given by him to the investigating agency is of no use to find out the role of the present applicant. Hence, custodial interrogation of the applicant is not necessary. He 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.106/2018 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.1034/2019 is disposed of.

(SARANG V. KOTWAL, J.)