

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2169 OF 2018

Pradip @ Aau Prakash Shelke] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Nitin Kamble for Applicant.

Mr. S.H. Yadav, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 06 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.179/2016 registered with Vishrambaug Police Station, District Pune u/sec.506 (2), 452, 427 r/w 34 of I.P.C.

2. The FIR in the present case is lodged by one Vishal Bhise on 04/06/2016. According to him, he had dispute with one Sanket Khandagale and his friends. Because of this dispute, there was enmity between first informant and Sanket Khandagale. At about 11.15 p.m. Sanket Khandagale along with his three friends went to the area

where the first informant was residing. They had concealed their faces with pieces of clothes and they were carrying koyata. But since they were not knowing house of the first informant they entered in the neighbouring house. They broke bulbs and tube lights. They broke beer bottles. They damaged the light meter and created terror in their house. Based on these allegations, the FIR was lodged.

3. During investigation, the co-accused disclosed name of the present applicant. However, even though the FIR was lodged on 04/06/2016 till date the applicant was never available for the investigation. The charge-sheet is already filed against co-accused Sanket Khandagale. Since the applicant was continuously unavailable, I had directed Ld. APP to file affidavit showing efforts made by the investigating agency to arrest the applicant. Today Ld. APP has filed the affidavit showing the efforts made by the investigating agency in arresting the applicant. A copy of the affidavit is given to the Ld. Counsel for the applicant. From the affidavit, it is seen that applicant never made himself available for the investigation.

4. The offence is serious as the culprits including the applicant had

entered in the house in the night time and terrorized the inmates of the house. In this background, no case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)