IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.780/2019
Vishal s/o Vijay Meshram
..vs..
State of Mah., thr. PSO PS Panchpaoli, Nagpur

Office Notes, Office Memoranda of Coram, appearances, Court orders or directions and Registrar's orders	Court's or Judge's Order

Shri S.H.Sudame, Counsel for the Applicant.
Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : NOVEMBER 25, 2019.

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No.883/2019 registered with Panchpaoli Police Station, Nagpur for offences punishable under Sections 399 and 402 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act read with Section 135 of the Maharashtra Police Act.

2. Heard learned counsel Shri S.H.Sudame for the applicant and learned Additional Public Prosecutor Shri N.R.Rode for the State.

3. Initially, when this matter was taken up for consideration, learned Additional Public Prosecutor Shri N.R.Rode for the State prayed for time to file a detailed reply. However, the said request was vehemently opposed by learned counsel Shri S.H.Sudame for the applicant and submitted that say of the prosecution is already available on record since it was filed before the Trial Court.

4. Learned counsel for the applicant submitted that all other accused persons are already released on bail. He submitted that merely because criminal antecedents are there, that by itself is not sufficient to reject the application for grant of bail.

5. After hearing learned counsel for the applicant, learned Additional Public Prosecutor for the State, perusing First Information Report, and order passed by learned Additional Sessions Judge, Nagpur rejecting application of the applicant for grant of bail, following facts emerge.

6. Police Personnel Suraj Sambhaji Suroshe, lodged report with Panchpaoli Police Station, Nagpur. As per the report, accused persons including the applicant were planning to commit robbery and they were holding dangerous weapons with them. They were intercepted on spot itself by police party. 4 accused persons were arrested on spot itself. However, the applicant taking advantage of darkness slipped away and ran away from spot.

7. From spot, 3 swords, a big knife, and a nylon rope were seized.

8. Submission made by learned counsel for the applicant, that other accused persons are already released on bail cannot have impact on the present application which is application for grant of anticipatory bail. Principles governing to decide applications for anticipatory bail and regular bail are altogether different. Therefore, merely because co-accused persons are released on bail by the Court of law after their arrest, is not helpful to the applicant, who is claiming

anticipatory bail.

9. The applicant is having criminal antecedents at his discredit and one them of is registered as Crime No.192/12018 for offence punishable under Section 302 read with Section 34 of the Indian Penal Code. Though there are criminal antecedents, that by itself cannot be reason for rejection of application for grant of anticipatory bail, however at the same time, Courts are expected to scrutinize allegations/accusations made against such persons when application for anticipatory bail is considered.

10. In the present case, the applicant's presence was found on spot and he ran away from spot. From spot, dangerous weapons are already seized. There is every possibility that the applicant must have ran away along with dangerous weapon.

11. Looking to the serious offence that the applicant was member of a gang which was giving final touches for committing robbery with dangerous weapons, however that was aborted by the police party and fact that the applicant is having serious offence at his discredit, I am of the opinion that the applicant is not entitled for any discretionary relief.

12. In view of the above, the criminal application is rejected and disposed of accordingly.

JUDGE

!! BRW !!