

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.17 OF 2021

**RAMBHAJI GANGARAM BHALERAO
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Sachin S. Deshmukh
APP for Respondent/State: Mr. S.W. Mundhe
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CORAM : MANGESH S. PATIL, J.

DATE : 27.01.2021

PER COURT :

In an apparent case of road rage the applicant is attributed to have kidnapped the driver informant, tried to extort money from him for the damage allegedly caused by him to the vehicle of the main accused. Having found that there was nothing in the account of the driver from which the money could be withdrawn, two wheels of the Truck which he was driving were removed and carried away. It is further alleged that even he was robbed of some cash. On his report Crime No.112/2020 was registered with Bori Police Station, Tq. Jintur, District Parbhani for the offences punishable under Sections 395, 397, 365 and 327 of the Indian Penal Code. Apprehending his arrest the applicant is now seeking bail under Section 438 of the Code of Criminal Procedure.

2. The learned advocate for the applicant submits that the

applicant is not a criminal. He is a senior citizen. He was not travelling in the vehicle which was dashed by the informant's Truck. The only allegations against him are about he having arrived at the scene perhaps to recover the damages. All the four persons travelling in the Scorpio vehicle which was damaged were arrested and have been released on bail. The applicant is stated to have arrived in another vehicle. Nothing is to be recovered from or discovered by him. The main accused having already arrested, the Investigating Officer must have had sufficient opportunity to interrogate them. The other two persons stated to be travelling in a Swift Dezire alongwith the applicant arrived at the scene subsequently have been granted anticipatory bail and the applicant may be extended the same benefit on the ground of parity.

3. The learned prosecutor strongly opposes the application. He submits that considering the serious nature of the crime, custodial interrogation of the applicant is highly necessary. The other four persons travelling in the Scorpio have already been identified by the informant. Test identification parade of the applicant is also required to be undertaken. Some money also needs to be recovered from him. The offence being punishable up to life imprisonment the Application be rejected.

4. I have carefully gone through the papers. As has been observed earlier it seems to be a matter of road rage. However, the matter seems to have escalated and took a serious turn in as much as not satisfied with merely assaulting the informant Truck driver, stated to be responsible for

damaging the vehicle of the accused, he was abducted, taken to an ATM center to explore if some money can be recovered from him. Having seen that there was nothing in the account, the accused persons are stated to have robbed him of some cash and even stolen couple of wheels of his Truck. Going by the allegations, the offence of dacoity can easily be made out. The offence is indeed serious and punishable up to life imprisonment.

5. Four of the accused have already been identified by the informant during Test Identification Parade.

6. The applicant seems to have arrived at the scene having been called by one of the accused. That insinuates that he had arrived there designedly.

7. Considering the aforementioned facts and circumstances, the applicant is not entitled to anticipatory bail on merits as well as even on the ground of parity.

8. The Application is rejected.

(MANGESH S. PATIL, J.)

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