

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

913 ANTICIPATORY BAIL APPLICATION NO. 190 OF 2021

**BALU @ GIRMILYA RAMCHANDRA BHOSLE
VERSUS
THE STATE OF MAHARASHTRA**

**Advocate for Applicants : Mr. S.J. Salunke.
APP for Respondent : Mr. S.W. Mundhe.**

**CORAM : MANGESH S. PATIL, J.
DATED : 09.04.2021**

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure, by one of the accused from Crime No. 01/2021, registered with Sonpeth Police Station, District Parbhani, for the offences punishable under Section 394, 420, 506, 34 of the Indian Penal Code.

2. In substance, the allegations are to the effect that under the pretext of procuring gold at lesser rate, the informant was drawn to a field. He went there along with his two friends. They were robbed of cash, gold ornaments and a mobile phone by resorting to assault by four persons, two men and two women.

3. The learned Advocate for the applicant submits that the FIR

was lodged against unknown persons. The major part of muddemal that is the entire cash and a mobile phone has been recovered from the arrested accused. The applicant is being falsely implicated. He is ready to co-operate the investigating Officer and may be granted anticipatory bail.

4. The Learned APP opposes the application. He submits that the arrested accused comprises of the wife and son of the applicant from whom the entire cash which was stolen and a mobile phone of the applicant have been recovered. That is sufficient to reveal applicant's complicity in the crime. The gold ornaments are still to be recovered. All the three arrested accused have been identified by the informant and his two friends. There are injury certificates showing that they all had sustained injuries. The applicant being the main accused, his custodial interrogation is highly imperative to complete the investigation. Besides, the Investigating Officer specifically mentions that the description of one of the assailants given in the FIR tallies with the applicant regarding amputation of an index finger.

5. Learned APP would further submit that this is not the first case. Already Crime No. 242/2019 of the Sonpeth Police Station, for the offence punishable under Sections 392 of the Code of Criminal

Procedure stands registered against him.

6. Having considered the papers of investigation and the rival submissions, the aforementioned facts and circumstances *prima facie* are sufficient to indicate active role of the applicant in the crime. His wife and son have been arrested. Apart from the cash, the mobile of the informant is recovered from them. There are criminal antecedents. Even the Investigating Officer now states that description of the unknown assailant given in the FIR, namely, amputation of the index finger, tallies with that of the applicant. All the three arrested accused were even subjected to test identification parade and the informant and his friends have identified all of them.

7. It is in view of such state of affairs, the applicant is not entitled to anticipatory bail. Application is rejected.

(MANGESH S. PATIL, J.)