

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 ANTICIPATORY BAIL APPLICATION NO.1061 OF 2021

VIJAY RAMKRISHNA DEDGAONKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. R.B. Temak
APP for Respondent: Mr. S.B. Narwade.

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CORAM : PRAKASH D. NAIK J.

DATE : 22ND OCTOBER, 2021.

PER COURT:

1] This is an application for anticipatory bail in connection with Crime No. 23 of 2020 registered with Sonai police station, Dist Ahmednagar, for the offences punishable under Sections 394, 395, 120(B), 201, 412, 34 of IPC.

2] The FIR was registered on 22.01.2020. The complainant has alleged that on 21.1.2020, he visited his shop at about 9.30 a.m. and in the evening he had closed it and picked up some gold ornaments and kept them in bag. He was proceeding towards home on his two wheeler with the bag containing gold ornaments. On the way, he was accosted by the accused who were riding on a motorcycle. He was stopped. One of them threw chili power in his eyes. They snatched the bag containing gold ornaments and ran away from the spot. The value of gold was Rs. 7,90,778/-.

3] The previous application preferred by the applicant was disposed of vide order dated 7.7.2020. The order clearly indicates that the court was not inclined to grant relief and on realizing this, the application was withdrawn.

3] After a lapse of one year, the present application has been preferred for seeking similar reliefs. It is submitted that all other accused were arrested. There is no evidence against the applicant. The case is based on statements of the co-accused. The arrested accused are released on bail. Custodial interrogation of the applicant is not necessary.

4] The learned APP submitted that the FIR was registered on 22.1.2020. The previous application was disposed of on 7.7.2020. The applicant is avoiding arrest. He is absconding. The investigating agency is proposing to initiate action under Section 83 of the Cr.PC. CDR collected during investigation indicates that there was communication between the applicant and one of the co-accused Ali shah, who has been arrested. The investigation revealed that the gold ornaments which were stolen were handed over to the applicant. Learned APP relied upon the investigation papers and station diary entry. There are 8 similar crimes registered against the applicant and hence, the application may be rejected, urged learned APP.

5] Since registration of FIR in 2020, the applicant is absconding. The previous application was withdrawn by him since the court was not inclined to grant relief. The applicant is dodging arrest for more than a year and is now approaching the court seeking relief under Section 438 of Cr.PC. The co-accused were arrested. The investigation revealed involvement of the applicant in other crimes. Out of 8 offences, atleast 5 offences are of similar nature wherein the applicant is involved. The offence is of serious nature. There is evidence to show involvement of applicant in this crime. No case is made out for grant of any relief in this application. Hence, the application stands rejected and disposed of.

[PRAKASH D. NAIK]
JUDGE