IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 **ANTICIPATORY BAIL APPLICATION NO.1344 OF 2021**

SOMNATH VITTHAL SALUNKE
VERSUS
THE STATE OF MAHARASHTRA
...
Mr. Rahul R.Karpe, Counsel for applicant
Mr. A.S.Shinde, APP for respondents-State
...

CORAM : PRAKASH D. NAIK, J.
DATE : 17th NOVEMBER, 2021

PER COURT:

1] Heard both sides. The applicant is anticipating arrest in Crime No.627 of 2021 registered with Karjat Police Station, Dist.Ahmednagar for the offence under Section 381 read with 34 of Indian Penal Code (for short, 'IPC').

2] The First Information Report (for short, 'FIR') was lodged on 4th October, 2021 by Piyush Ravindra Kothari. The complainant's family has a grocery Adat Shop at Karjat Market Yard. On 04.10.2021, they opened the shop. It is alleged that the applicant Somnath Vitthal Salunke and Pramod Aatar are working as *Hamal* in their shop. He visited the shop along with Pramod Vijay Aatar. The father of the complainant told him to withdraw the amount of Rs.10,00,000/- from the Bank, which was to be distributed amongst farmers. The complainant proceeded to the Bank on his motor-cycle with the bag for withdrawing the amount. He withdrew the amount of Rs.10,00,000/-, which were kept in the bag. While, he was proceeding with the money towards shop, he found Somnath Vitthal Salunke (applicant) was standing on the road and Pramod Aatar was near him sitting on his motor-cycle. While he was driving the motor-cycle, the applicant requested the complainant to stop the vehicle as he wanted to talk him. When he stopped the vehicle, the applicant told the complainant that he needs leave. At that time, he snatched the bag carrying money, which was kept on the handle of the motor-cycle and sat on the motor-cycle of Pramod Aatar and both fled the place of the incident with cash of Rs.10,00,000/-.

3] The submission of learned Counsel for the applicant is that the applicant has been falsely implicated in this case. The complainant and his father wanted to avoid the payment of amount to the farmers and therefore, lodged false complaint against accused. The allegations in the FIR are improbable. The complainant did not approach the police immediately. According to complainant, attempts were made to search accused. The applicant and co-accused were granted interim protection by the Sessions Court. Subsequently, the offence under Section 392 of IPC was added to make the offence serious.

4] Learned APP submitted that the investigation is in progress. The co-accused Pramod Aatar was arrested. During the course of the investigation, he was interrogated. He has given details as to how the accused had planned the commission of the offence and their movements after the incident of theft of huge cash. There is sufficient material to show the involvement of the applicant in the offence.

5] I have perused the FIR and the investigation papers. Accused are named in FIR. The interrogation of the co-accused has disclosed the manner in which they committed offence. The applicant and the co-accused are involved in taking away the cash of Rs.10,00,000/-. There are statements of eye-witness, which supports the version of the complainant. In these circumstances, no case for grant of anticipatory bail is made out.

ORDER

Anticipatory Bail Application No.1344 of 2021 stands rejected.

(PRAKASH D. NAIK, J.)

sarowar