

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

917 ANTICIPATORY BAIL APPLICATION NO. 1610 OF 2019

**SONAL @ SONU RAVINDRA ZOPE
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicant : Mr. V.B. Patil.
APP for Respondent: Mr. V.M. Kagne.

**CORAM : MANGESH S. PATIL, J.
DATED : 22.01.2021**

PER COURT :

In this application under Section 438 of the Code of Criminal Procedure, the applicant is seeking bail in the event of his arrest in the Crime No. 97/2019 registered with City Police Station, Bhusawal, Taluka Bhusawal, District Jalgaon, for the offences punishable under Section 395 of the Indian Penal Code.

2. Shortly stated the version of the prosecution is to the effect the informant along with a friend were having tea at a tea stall. In the meantime a white car arrived at the scene. Five unknown persons alighted who were aged between 25 to 35 years . They were carrying wooden logs. They started assaulting them and robbed off cash, mobile phones and ornaments on their person.

3. The learned Advocate for the applicant submits that the offence was registered against unknown persons. The first information report only refers to a white colour car but of a different make than the car owned by him which stands registered in the name of his wife. He is being falsely implicated on mere suspicion. He had already sold the car even before the incident and a notarized document was executed (Exhibit A) on 18.03.2019. There are no criminal antecedents and he is ready to cooperate the Investigating Officer. He has already been protected by an interim relief and the protection may be continued.

4. Learned APP opposes the application. He submits that it is the matter of dacoity. The other four accused have already been arrested. Their test identification parade has been conducted. A mobile phone robbed off has been recovered from accused No. 1. Though the FIR reads that the car was of different make, it transpired during interrogation of the accused No. 1 that it was an Amaze Car of Honda make with registration No. MH-19/CU8362. The applicant's wife is the registered owner of the car. The RTO record reveals that on the date of the incident it was not transferred in the name of the purchaser and continued to be registered in her name. Considering the gravity of the crime, custodial interrogation of the applicant is necessary. The application may be rejected.

5. I have carefully gone through the investigation papers with the help of the learned APP. True it is that there is some discrepancy in as much as the FIR reads that the car that had arrived at the scene of the crime was a Desire which is model of Maruti Suzuki make whereas now it has transpired that the car was a Honda Amaze bearing the aforementioned specific number. Needless to state that no much emphasize can be attached to this aspect at this juncture and particularly in the proceeding of this nature.

6. The fact remains that going by the papers of the investigation, while recording a memorandum under Section 27 of the Evidence Act, co accused Pramod has disclosed that the applicant being his friend and was possessing this car that he had used it in commission of the crime. At this juncture, this much of material is sufficient to disclose the role attributable to the applicant in commission of the crime.

7. As far as the aspect of ownership of the car is concerned, the applicant has produced on record a writing styled as a Receipt of sale of the vehicle by the wife of the applicant to one Dilip Chaitram Phugare. The document is dated 18.03.2019. However, the papers of the investigation contains the attested copy of the Vehicle Particulars

of the motor vehicle department of the Government under the signature of the Deputy RTO, Jalgaon, mentioning the date of transfer of the vehicle to be 12.02.2020, i.e. after the incident had taken place. Therefore, one cannot get swayed away at this juncture by this sale receipt produced by the applicant.

8. Considering the manner in which the offence has been committed, its gravity and all the aforementioned facts and circumstances, the applicant is not entitled to any indulgence of this Court.

9. The application is rejected.

(MANGESH S. PATIL, J.)