

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 247 OF 2021

Prabhu @ Prabhakar Rajshekhar Upase Applicant

Versus
The State of Maharashtra Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 420 OF 2021

Anil Digambar Rathod Applicant

Versus
The State of Maharashtra Respondent

Mr. Sagar Tambe i/b Ritesh Thobde for the applicant in both ABAs.

Ms. Pallavi N. Dabholkar, APP for the State/Respondent in ABA No. 247 of 2021.

Mr. H.J. Dedhia, APP for the State/Respondent in ABA No. 247 of 2021.

**CORAM: SARANG V. KOTWAL, J.
DATE : 3rd MARCH, 2021**

P.C. :

1. Both these applications are decided by this

common order because they arise out of the same registered offence and the same investigation.

2. The Applicants are seeking anticipatory bail in connection with C.R. No. 1004 of 2020, registered at Jodbhavi Peth Police Station, Solapur on 15/12/2020 under Sections 406, 420, 463, 468 and 120 B read with Section 34 of the Indian Penal Code.

3. Heard Mr. Sagar Tambe, learned Counsel for the applicant and Ms. Pallavi N. Dabholkar and Mr. H.J. Dedhia, learned APP for the State.

4. The FIR is lodged by one Pramodini Swami. She has alleged that, she had purchased a sim card from one shop at Solapur. One of the accused Gopal Mundada was looking after that shop. While giving her a sim card, he scanned informant's Aadhar card two to three occasions. Misusing those documents, he gave Sim cards

to other persons. On this basis the FIR is lodged.

5. During the investigation it transpired that these sim cards were given to the present applicants and therefore they are made accused in this case.

6. Shri Tambe submitted that applicant Upase has attended the Police Station during the period when he was granted interim bail. Shri Tambe could not make the same statement as far as applicant Anil Rathod is concerned. He however submitted that there is no incriminating material against either of these applicants.

7. Learned APP opposed this application. He submitted that inspite of interim protection, applicant Anil Rathod has not attended Police station though he was called. He has not co-operated with the investigation. He submitted that even applicant Upase needs to be arrested for custodial interrogation because the purpose for which these sim cards were used is not explained by him.

8. I have considered these submissions. There is absolutely no explanation as to why sim cards issued in the name of the first information were taken by both the applicants. Obviously they were misused and therefore, their custodial interrogation is necessary.

9. The applicant Anil Rathod has not even cared to attend the Police Station. The applicant Upase has not explained why these sim cards were used by him.

10. In this view of the matter, their custodial interrogation is necessary. Anticipatory bail cannot be granted to them. The applications are rejected.

(SARANG V. KOTWAL, J.)