

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

ANTICIPATORY BAIL APPLICATION NO.910 OF 2021

Vikas Dinkar Shinde

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

Mr.Tapan Thatte i/b Mr. Shantanu Adkar and Ms. Trupti
A. Bharadi, Advocate for Applicant.

Mr. A. R. Kapadnis, A.P.P. for the State-Respondent.

PI Nikhil S. Magdum, Rajgad police station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th JUNE, 2021

PC.

1. This is an application for anticipatory bail in connection with C.R. No.59 of 2021 registered with Rajgad Police Station, District Pune for the offence punishable under Sections 420, 467, 408, 471 read with Section 34 of the Indian Penal Code.

2. The case of the prosecution is that on 16.02.2021 the complainant proceeded to Satara from Pune by his own car. At the Toll Naka of Khed-Shivapur, he paid toll charges and received its receipt. At the next Toll Naka at Anewadi, he paid charges and received its receipt. While returning back to Pune,

he paid toll charges at Anewadi Toll Naka and Khed Shivapur Toll Naka and received receipts. However, he realized that the font over receipts of both Toll Nakas were different and thereby he was suspicious. On 20.02.2021 he was again proceeding towards Satara and when reached to Khed Shivapur Toll Naka at Lane No.20 he paid charges and received receipt. He felt that he has been deceived. On 24.02.2021 police team proceeded at Anewadi Toll Naka. Another police team also proceeded to Khed Shivapur Toll Naka. The inquiry was conducted and FIR was registered.

3. The applicant had preferred an application for anticipatory bail before the Sessions Court which was rejected by order dated 09.03.2021.

4. Learned counsel for the applicant submitted that applicant has been falsely implicated in this case. He has no role to play in the alleged act. The applicant is not concerned with the Toll which was subject matter of FIR. The employee of the persons who are managing the Toll Naka were protected and the applicant is being made scape goat. The statement of the

manager who had allegedly implicated the applicant was recorded belatedly. The document on record and the factual aspects would indicate that the applicant is being framed in this case. The applicant is willing to co-operate with the investigation. He was never present at the Toll Naka where alleged fabricated receipts were issued. 16 cases were registered against him in the past. Learned Sessions Judge has considered the criminal antecedents of the applicant as one of the grounds for rejecting his application. In 14 cases the applicant has been acquitted. In 2 cases he was granted anticipatory bail and there is observation of the Court that the applicant has been falsely implicated in those cases. Entire matter relates to the documents. He pointed out to the several documents annexed to the application. It is submitted that there is no evidence to show his involvement in the crime. He relied on Remand application dated 03.03.2021 and submitted that the accused No.10 was the Toll Naka In-charge and the remand application does not attribute any specific overt act to the applicant. Custodial interrogation of the applicant is not

necessary.

5. Learned APP submitted that the investigation is in progress. There is voluminous evidence against the applicant showing his involvement in the offence. He was concerned with the Toll Naka. Statements of witnesses and interrogation of arrested accused disclose complicity of the applicant in the crime.

6. I have perused the FIR, and investigation papers tendered by learned APP. I have perused the statements of Vivek Sharma Revenue Manager attached to Anewadi Toll Naka and Raghuvir Babar, Toll Manager at Anewadi Toll Naka. I have also perused other statements and documents. Prima facie, the complicity of the applicant is apparent from the record and the contention of the learned counsel for the applicant cannot be accepted. Considering the nature of evidence against the applicant, no case for grant of anticipatory bail is made out.

ORDER

Anticipatory bail application No. 910 of 2021 is rejected.

(PRAKASH D. NAIK, J.)