

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

ANTICIPATORY BAIL APPLICATION NO. 1171 OF 2021

Avinash Mohannath Jha ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Mohd. Saeed Asgar Moghul, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 5th MAY, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 92 of 2021 registered with Samta Nagar Police Station, Kandivali, Mumbai for offences under Sections 399, 402 of Indian Penal Code (for short “IPC”) r/w Section 4 & 25 of Arms Act and Section 37(1) (a) r/w Section 135 of Maharashtra Police Act.

2. The case of the prosecution is that on 21st February, 2021, information was received that some persons are likely to gather for committing dacoity. Police arranged the trap and visited the place of incident. The movements of some persons were found suspicious. Three of them were apprehended. Two of them managed to flee away. The persons who were apprehended were found in

possession of weapons. On inquiry with them, they disclosed that the applicant and another person are the persons, who managed to flee away from the place of incident.

3. Learned advocate for the applicant submitted that the applicant has been falsely implicated in this case. The applicant has addressed the complaint to Higher Police Authority. On 4th March, 2021, alleging false implication and preservation of the C.C.T.V. footage of the place of incident. It is submitted that in pursuant to said complaint, the applicant was arrested in another false case on 31st March, 2021 under the provisions of N.D.P.S. Act. The order passed by the Court indicate that the possibility of false implication cannot be ruled out. Application was rejected on account of his antecedents. The applicant is repeatedly falsely implicated in cases.

4. Learned APP pointed out the contents of the FIR and submitted that involvement of the applicant was disclosed. The order of the Sessions Court indicate that 15 cases are registered against the applicant.

5. On perusal of the FIR it is apparent that the incident had occurred on 21st February, 2021. Undisputedly, three persons were apprehended on the spot. They were armed with weapons and chilly powder. On the same day apprehended accused disclosed that two

persons, who managed to run away from the place of incident were applicant and another person Samir @ Butla Nepali. Apparently, several cases are registered against the applicant in the past. Presently he is undergoing custody for offence under the N.D.P.S. Act. It is difficult to accept that the applicant has been falsely implicated in this case. Considering the factual aspects of this matter, no case for grant of anticipatory bail is made out.

ORDER

Criminal Anticipatory Bail Application No. 1171 of 2021
is rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)