

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1339 OF 2021

Shailesh Gautam Gaikwad

Applicant

versus

The State of Maharashtra

Respondent

Mr.S.V.Marwadi for applicant.

Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th June 2021

PC :

1. This is an application for anticipatory bail in CR No.1393 of 2020 registered with Saki Naka Police Station, Mumbai for offence under Section 379 r/w 34 of Indian Penal code. The FIR was registered on 23-12-2020.

2. The case of the complainant is that on 23-12-2020 he was induced to bring cash of Rs.25 lakh by the co-accused. While the complainant was having discussion with the co-accused, he was distracted and at that time another person picked up the bag carrying cash of Rs.25 lakh brought by the complainant and ran away. The applicant is alleged to be the person who ran away with the cash of Rs.25 lakh.

3. Learned advocate for applicant submit that applicant is working as Safai Kamgar. He has been falsely implicated in this case. He has been attending regularly his duty. It is clear from the attendance register. The identification of applicant as claimed by the

prosecution is weak and cannot be accepted. The applicant may be given an opportunity to explain his side without resorting to custodial interrogation.

4. Learned APP submitted that identity of the applicant has been established through photograph. Investigation is in progress. CDR location also supports the prosecution case. The complicity of applicant has been disclosed.

5. Considering the submissions of both sides, it can be seen that investigation has reflected involvement of the applicant in the crime. Custodial interrogation of the applicant is necessary. Relief under Section 438 of Cr.PC cannot be granted to the applicant. Hence the anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)

MST