

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

CRIMINAL APPLICATION NO.249 OF 2018

Anil Bapu Dhavade

.. Applicant

Versus

State of Maharashtra and Ors.

.. Respondents

.....
Mr.Rupesh A. Zade, Advocate for the Applicant.

Mr.R.M. Pethe, APP for the Respondent - State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 25, 2021.

P.C. :

This is an application for cancellation of anticipatory bail granted to respondent nos.2, 3 and 4, by the learned Additional Sessions Judge, Baramati, vide order dated 17th March, 2018.

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2 Applicant is the original complainant. He lodged FIR vide C.R.No.110 of 2018, for the offence punishable under Sections 392 and 427 read with 34 of IPC.

3 The case of the prosecution is that the complainant is

the owner of a car. He is resident of Baramti. On 2nd March, 2018 at about 4:00 p.m. at village Shirsuphal, Dattawadi, Baramati, accused nos.1 to 3 broke the glass of the car of the complainant. Accused no.1 Atul Hivarkar robbed an amount of Rs.17,300/-, which was kept in the car.

4 The contention of the respondents/accused before the Court was that Section 392 of IPC are not attracted. The complainant had borrowed Rs.2,00,000/-, from the accused no.1. He demanded the amount from the complainant. Hence, false case was registered.

5 The respondents 2, 3 and 4 preferred application for anticipatory bail before the Sessions Court at Baramati, which was allowed. While allowing the said application, it was observed that the eye witnesses to the incident has not specifically stated that the respondent-accused have committed robbery of Rs.17,300/-, which was kept in the front side dickey of the car. Learned Sessions Judge, while allowing the said application has observed that the accused are habitual offender. Accused no.1 is the Sarpanch of the village and the others are residents of Shirsuphal. Their custodial interrogation is not necessary.

6 Learned advocate for the applicant has submitted that the amount involved in the crime are not recovered. Learned Sessions Judge had made an error while allowing the application for anticipatory bail. The custodial interrogation of the applicant is necessary to recover the robbed amount.

7 The application was allowed vide order dated 17th April, 2019. Apparently, investigation must have been completed. Considering the nature of allegations and the observations of the Sessions Court while allowing anticipatory bail, I do not find any reason to interfere in the impugned order.

:: O R D E R ::

- (i) Criminal Application No.249 of 2018, is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)