

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2111 OF 2021

Garriet Tellis Annunciation

Applicant

versus

The State of Maharashtra

Respondent

Ms.Trupti R. Shetty, Advocate for applicant.

Mr.S.H.Yadav, APP, for State.

PSIC.N.Kolekar, Arnala Sagri Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th September 2021

PC :

1. The applicant is apprehending arrest in CR No.249 of 2021 registered with Arnala Sagri Police Station for offences under Sections 394, 341, 324, 427 r/w 34 of Indian Penal Code. The FIR was registered on 27th July 2021.

2. The case of complainant is that mother of the complainant was threatened by the accused. Non-cognizable complaint was lodged with Police Station on 25th July 2021. On the date of incident the complainant was proceeding on his two wheeler. The co-accused and the applicant intercepted him. The co-accused Makka assaulted the complainant by iron rod. It is further alleged that during scuffle the complainant had lost his chain from his person and cash of Rs.15,000/- and documents were taken away by accused.

3. Learned counsel for applicant submitted that except presence of the applicant on the scene of offence, no overt act is attributed to him. The applicant is carrying on business. He has no criminal

antecedents. He is willing to co-operate with investigation. The vehicle belonging to the applicant has been seized during investigation. The charge under Section 394 of IPC is not attracted.

4. Learned APP submitted that the applicant has participated in the offence. The vehicle belonging to the applicant was used in the crime. The chain of complainant and cash of Rs.15,000/- was missing.

5. It appears that the co-accused to whom the role of assault and threatening was attributed, has been arrested and granted regular bail. The vehicle allegedly used in following the complainant has been seized. The applicant is not having any criminal antecedents except presence at the scene of offence. No other role is attributed to the applicant. In the circumstances the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.249 of 2021 registered with Arnala Sagri Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Investigating Officer on 15th, 16th and 17th September 2021 between 11 am and 1 pm and thereafter as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)