

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

ANTICIPATORY BAIL APPLICATION NO. 2159 OF 2021

Bobby Singh Dhara Singh Tak	 Applicant
Versus	
The State of Maharashtra	 Respondent

Ms. Sharan G. Bhagat, for the applicant.

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

Asst. PI Mr. Mahendra Jadhav, Crime Branch, Bhiwandi Police
Station present.

CORAM : PRAKASH D. NAIK, J.
DATE : 22nd SEPTEMBER, 2021

P.C. :

1. This is an application for pre-arrest bail. The FIR being CR No.I-226 of 2018 was registered with Shanti Nagar Police Station on 2nd August 2018 for offences under Sections 395, 342 of Indian Penal Code and under Sections 37(1) r/w 135 of Bombay Police Act.

2. The case of prosecution is that on 2nd August 2018 five persons were found involved in committing dacoity. They were armed with weapons. During the course of investigation about six persons were arrested. Since the applicant was sought to be arrested, he preferred application for anticipatory bail before Sessions Court, Thane, which was rejected vide order dated 12th September 2018.

3. The contention of learned advocate for applicant is that the applicant is student. Although his application was rejected in 2018, he was never sought to be arrested. However, recently the offence has been registered against father of applicant and applicant under Section 326 of IPC and Police are now contending that the applicant is also involved in the present case which was registered in 2018. The case of prosecution is that five persons have committed dacoity. During investigation six persons were arrested and hence question of arresting applicant does not arise.

4. Learned Counsel for the applicant further submitted that the applicant was available at his residence since 2018 but he was not arrested. The charge-sheet filed against co-accused does not indicate involvement of the present applicant. He has been implicated at the instance of police.

5. Learned APP submitted that CCTV footage show that after the incident, the applicant was in the company with the co-accused in the bar. Memorandum statement of the co-accused implicate the applicant. When the offence was committed all of them had switched off their mobile phones.

6. Report submitted by the police indicates applicant's involvement in another crime. The role attributed to him in that case is assault to the injured with use of sword. The investigation papers pointed out by learned APP indicates sufficient material against the applicant. In the light of aforesaid factual aspects, no case for grant of

anticipatory bail is made out.

7. Hence, I pass the following order:

ORDER

Anticipatory Bail Application No. 2159 of 2021 stands rejected.

(PRAKASH D. NAIK, J.)