

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2823 OF 2021

Dayashankar Sarvjeet Ram Jaiswal ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Vishal Krishna, for the Applicant.
Ms. A. A. Takalkar, APP for the Respondent – State.
Mr. Ashok T. Wagh, API, Chitalsar Police Station, Thane – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 8th DECEMBER, 2021

PC.

1. Applicant is seeking pre-arrest bail in Crime No.130 of 2021 registered with Chitalsar Police Station, Thane City for the offence punishable under Sections 420 r/w 34 of IPC.
2. The prosecution case is, complainant was lured by the accused persons with an assurance of exchange of Indian Currency into higher denomination. Accordingly, when the complainant was called at destiny at particular decided place, bag containing cash was snatched and as such, offence in question.
3. Submissions of learned counsel for the applicant are, in view of judgment of the Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar***, for applicant's custodial interrogation notice under Section 41A of CrPC is required to be issued.

4. He would further claimed that applicant's unblemished record is available with the investigation and that being so, he is entitled to be released.
5. Learned APP opposed the prayer.
6. From the investigation papers, it is apparent that the applicant is one of the kingpin in the commission of the aforesaid offence. From the statement of witness Nilesh Bobade, similarly applicant was in touch with accused – Mohammed Usman on the issue of commission of offence as also from the whatsapp chat recovered from the mobile.
7. Applicant's physical presence on the spot of incident can be inferred from the CCTV footage.
8. In the aforesaid background, *prima-facie* there is sufficient material available on record against the applicant in the commission of offence. Case for custodial interrogation is also made out as amount of Rs.9,50,000/- is yet to be recovered.
9. In the aforesaid background, no case for bail is made out.
10. As such, application stands rejected.

[NITIN W. SAMBRE, J.]