

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2599 OF 2018

1. Avinash Shankar Chavan	
2. Mahesh Shankar Shinde	...Applicants
Versus	
The State of Maharashtra	...Respondent

None for the Applicants.

Ms. P.P.Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 7th AUGUST, 2021

P.C. :

1. None appears for the Applicants.
2. By this application, the Applicants seek pre-arrest bail in connection with C.R.No. 347 of 2018 registered with the Vile-Parle Police Station, for the alleged offences punishable under Sections 170, 388 read with 34 of the Indian Penal Code.
3. Vide order dated 18th December, 2018, this Court (Coram :

Prakash D.Naik, J) granted interim protection to the Applicants on certain terms and conditions.

4. With the assistance of the learned APP, perused the papers. According to the prosecution, the incident took place on 19th October, 2018. It is the prosecution case, that the Applicants alongwith two other co-accused - Sujata and Nandkumar impersonated that they were police officers and raided the complainant's premises on 25th August, 2018. It is alleged that co-accused - Sujata Sandbhor took a sum of Rs.30,000/-; cheques worth Rs.20,000/-; and a mangalsutra weighing 5 gms from the complainant and that co-accused - Nandkumar Chougule and the Applicant No.1 took the complainant's passport and PAN card and also the complainant's brother's Aadhar Card; passport; Samsung J7 Max mobile and cash of Rs.10,000/-. It is not in dispute that the two co-accused i.e. Sujata and Nandkumar were arrested in the said C.R. and that Rs.2,000/- was seized from Sujata, and cheques worth Rs.20,000/-, passports, PAN card, Aadhar Card and Samsung J7 Max mobile was seized from the co-accused - Nandkumar Chougule. Learned APP has tendered a report of Sr.Police Inspector Mr.Bhosale, attached to Vile-Parle Police Station, Mumbai. The same is taken on record.

5. It appears that the said articles alleged to have been taken by the Applicants, have been recovered from the co-accused i.e. Sujata and Nandkumar, except money. The incident dated 25th August, 2018 was reported on 9th October, 2018. Chargesheet has been filed as against the other co-accused in the said case, who were arrested during the course of the investigation. Since the Applicants were protected by an interim order, it appears that chargesheet has not been filed as against them.

6. Considering the aforesaid, custodial interrogation of the Applicants is not warranted. The Applicants have no antecedents. Investigation is almost complete as against the Applicants. Accordingly, the interim protection granted vide order dated 18th December, 2018 stands confirmed on the following terms and conditions;

ORDER

(i) In the event of the arrest, the Applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.20,000/- each with one or two sureties in the like amount;

(ii) The Applicants shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iii) The Applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time, to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The Applicants to co-operate in the conduct of the trial;

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are prima facie, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.