

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.562 OF 2022

VAIBHAV MADHUKAR RIKAME
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rajesh Hazarilal Mewara
APP for Respondent – State : Mr. A. A. Jagatkar
...

CORAM : S. G. MEHARE, J.

DATE : 16-06-2022

PER COURT :-

Heard the learned Counsel for the applicant and the learned A.P.P. for the respondent – State.

2. Learned Counsel for the applicant would submit that there are no allegations against the accused that he has assaulted the complainant and took away money from his pocket. Since the applicant was present at the petrol pump, he has been arraigned as accused. The applicant has played no role at all in the assault. Nothing is to be recovered and discovered from the applicant. He would submit that the applicant has attended the police station as per the order of this court passed while granting interim protection.

3. Learned A.P.P. has strongly opposed the application contending that there are various criminal cases pending against the applicant. The injured has sustained injuries on his head. The applicant was present at the place of the offence and had participated in the crime. The offence is committed with the common object. However, the learned A.P.P. states that the weapon used in the alleged crime has already been recovered. The applicant has no case for anticipatory bail. Therefore, the application be rejected.

4. The first information report reveals that the applicant was acquainted with main co-accused and around three days before the incident he talked with him. Since main accused abused him, he disconnected the phone. There are no specific allegations against the present applicant. There are specific allegations against co-accused Baban that he was holding the iron rod and he beat the injured - first informant and caused him injuries. There is no specific allegation, who extracted the money from the pocket of the complainant. It seems to be a general allegation. Prima facie, the applicant has a good case on merits. Nothing is to be recovered and discovered from him. Hence, the application deserves to be allowed. I, therefore, passed the following order -

i) Application is allowed.

ii) Ad-interim anticipatory bail granted to the applicant is confirmed on the same terms on modified condition to attend the police station as and when called by Investigating Officer on written notice.

(S. G. MEHARE)
JUDGE

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