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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1227 OF 2022

SHAHBAZ KHAN QADEER KHAN  
VERSUS  
THE STATE OF MAHARASHTRA

Mr. Vakil Afzal Husain M, Advocate for applicant;  
Mr. K.S. Patil, A.P.P. for respondent

**CORAM : S. G. MEHARE, J.**

**DATE : 29<sup>th</sup> September, 2022**

**PC.**

1. The applicant approached four times before the learned Sessions Court and once, before this Court seeking anticipatory bail in C.R. No.427 of 2020, registered with Jinsi Police Station, Aurangabad, for the offences punishable under Sections 449, 395, 427, 504 and 506 of the Indian Penal Code. At the time of hearing his earlier bail applications, the first information report was the same and the allegations were also the same. It is really surprising that the applicant has successfully avoided arrest for about two years.

2. The learned counsel for the applicant has argued that the change in circumstances are the arrest of the other co-accused, filing of the charge-sheet and his readiness and willingness to deposit Rs.10,000/-. He also argued that no incident as such happened and

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CCTV footage has not been supplied to him. A counter report was lodged against the complainant and others. Therefore, a false report has been lodged involving the applicant in the crime. He has also argued that considering the role attributed to the applicant, nothing is to be recovered from him. Therefore, the bail may be granted.

3. As far as the facts of making allegations of causing damage to the windows with sticks and taking away Rs.20,000/- from the house of the complainant were there since the day of lodging of the first information report. There is absolutely no change in the allegations levelled against the applicant. As far as the counter report is concerned, the said fact was also in existence when the earlier bail applications were filed. The applicant has been absconding since the date of the incident. His conduct itself disentitles him for anticipatory bail. His willingness to deposit Rs.10,000/- is absolutely no ground to consider the anticipatory bail. It is not the duty of the Criminal Court to recover money involved in the crime. Criminal cases are to be investigated for the offence committed and not to recover the money involved in the crime. In the charge-sheet also, there are no change in circumstances as regards the present applicant. The investigation against him is still pending.

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4. The allegations levelled against the applicant appear that he and other co-accused were aggressive. They forcefully entered into the house of the complainant and damaged his property. Considering the way of committing the crime, it is nothing but creating a terror and apprehension to the life of the complainant and his family. That apart, there is absolutely no change in the circumstances from the date of the first order rejecting his anticipatory bail till today.

5. For all aforestated reasons, the present application stands dismissed summarily.

**(S. G. MEHARE, J.)**

amj