

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

ANTICIPATORY BAIL APPLICATION NO.1342 OF 2021

RAMESH RAVINDRA @ RAJENDRA KALE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. R.R. Karpe, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

...

WITH

ANTICIPATORY BAIL APPLICATION NO.1343 OF 2021

RAMESH RAVINDRA @ RAJENDRA KALE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. R.R. Karpe, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

RESERVED ON : 27th JANUARY, 2022

PRONOUNCED ON : 09th FEBRUARY, 2022

ORDER :

1 The applicant is the same. He is apprehending his arrest in

connection with Crime No.203/2021 dated 08.05.2021 registered with Jamkhed Police Station, Dist. Ahmednagar, for the offence punishable under Section 454, 457, 380 of the Indian Penal Code, 1860 and Crime No.218/2021 dated 15.05.2021 registered with same Police Station for the offence punishable under Section 457, 380 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. R.R. Karpe for the applicant and learned APP Mr. V.M. Kagne for the respondent, in both matters. In order to cut short it can be said that they have argued in support of their respective contentions.

3 It is to be noted that both the First Information Reports are against unknown person. In both the cases informant say that theft was committed at night time when nobody from their family members was present in the house. From the police papers, those have been produced, it can be seen that present applicant has been shown as accused No.3. Accused Nos.1 and 2 have been arrested by police on 17.05.2021 and 26.05.2021 respectively. In both the cases charge sheet is forwarded and, therefore, the custodial interrogation of the applicant may not be necessary. What could be transpired is that the present applicant has been shown to be absconding, however, except general diary entries there is nothing to show that efforts

were launched to arrest the present applicant. It cannot be stated that he is absconding. Further, it can be seen that in both the matters the name of the present applicant has been transpired due to statement of co-accused, which has no evidentiary value. Except that statement of co-accused, there is nothing to connect the applicant with the crime. When investigation is over and still the Investigating Officer was not able to get any evidence to connect the accused to the crime, his custodial interrogation is not necessary. Interim protection granted earlier by this Court deserves to be confirmed. Hence, following order.

ORDER

1 Both applications stand allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 17.11.2021 in both applications, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. **Ramesh Ravindra @ Rajendra Kale** in both Anticipatory Bail Applications, in connection with **Crime No.203/2021** dated 08.05.2021 registered with Jamkhed Police Station, Dist. Ahmednagar, for the offence punishable under Section 454, 457, 380 of the Indian Penal Code, 1860 and **Crime No.218/2021** dated

15.05.2021 registered with same Police Station for the offence punishable under Section 457, 380 of the Indian Penal Code, 1860, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) each with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not indulge in any criminal activity nor he should tamper with the prosecution evidence, in any manner.

4 He should cooperate with the investigation and shall attend the concerned Police Station, on every Monday and Thursday between 10.00 a.m. to 02.00 p.m., till 15.03.2022.

5 If anything is freshly revealed, then, the Investigating Officer is at liberty to take up the steps under Section 173(8) of the Code of Criminal Procedure, 1973.

(Smt. Vibha Kankanwadi, J.)

agd