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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1491 OF 2022

Shivraj Vishnupant Solanke

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Sudarshan J. Salunke, Advocate for the applicant
Mrs. P. V. Diggikar, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 22nd NOVEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 193 of 2022 registered with Sonpeth Police Station, District – Parbhani for the offence punishable under section 394, 341, 504, 506 of the Indian Penal Code.
2. The FIR is lodged by Vishnu Vyankatrao Devsatwar contending that his trusted employees, Munims – Shankar Mahadevo Appa Sontakke and Shridhar Manikrao Dhondge Watchman Manik Damu Garad and Driver Mayur Bajirao More had gone for recovery of amount from the treaders, by taking his Tata Tioga Car No. MH-44/Z-6544. The car was being driven by Mayur More. While returning, they were carrying Rs.4 lakh cash.

When they were passing Gangakhed – Parali Road and coming towards Parli, Munim Shridhar Dondge alighted from the car at Vandan Phata for going to Aawalgaon. One Munim Shankar, driver and watchman were travelling in the car, at that time, near a corner at Karam Pati, at 8.00 p.m. one motorcycle came from behind in a high speed and stopped in front of the car, therefore, the car was required to be stopped. Both the riders from the motorcycle alighted, one of them, who was riding the motorcycle, had covered his face with handkerchief and the pillion rider had not covered his face. Both of them started assaulting driver Mayur and questioned him, why he has obstructed their motorcycle. Munim Shankar Sontakke was pulled out of the car and he was thrown on the road. Watchman Garad was threatened not to move from the car else, he will be killed. When driver Mayur More was helping Munim Shankar to get up, both the unknown accused persons snatched the bag containing cash of Rs.4 lakh and fled from the spot on the motorcycle.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor. Perused the papers of investigation.

4. During the course of investigation, driver Mayur was arrested and he disclosed name of the two accused persons, who

came on the motorcycle as Sachin Solanke and present applicant Shivraj Solanke. He revealed that all the accused persons, in collusion with each other, have committed the offence, wherein Rs.4 lakh was robbed. An amount of Rs.1,50,000/- was recovered from the driver Moyur More. He further disclosed that the amount of Rs.2,50,000/- is taken away by the present applicant.

5. The applicant has committed robbery at night. All the accused persons, including the driver and present applicant are residents of the same village-Mungi. On the date and time of the incident, all the accused persons were in constant contact with each other, which is clear from the CDR of the cell phones collected by the investigating officer, during the course of investigation. Therefore, there appears sufficient material against the applicant showing his involvement in the present crime. Custodial interrogation of the applicant is necessary for effective investigation. The applicant, therefore, does not deserve discretionary relief.

6. The anticipatory bail application is, therefore, rejected.

[NITIN B. SURYAWANSHI]
JUDGE