

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.834 OF 2022

Prajwal Pramod Rokade ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Satyavrat Joshi i/b. Mr. Samay Pawar for Applicant.
Ms. Geeta P. Mulekar, APP for Respondent-State.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 19, 2022

P.C. :

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.606 of 2021 registered with Chikhli Police Station, District Pimpri-Chinchwad for the offences punishable under Sections 397 and 506 of the Indian Penal Code, Sections 4 and 25 of the Arms Act, 1959 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951.

3. The case of the prosecution is that the applicant along with other co-accused used to stop the heavy vehicles and extort money.

4. The complainant, while shooting the said incidents of extortion, was spotted by the group of the applicant, chased and assaulted; and as such, offence in question.

5. Submissions of Mr. Joshi are, apart from absence of antecedents, the transcript of CCTV footage may be directed to be reproduced so as to ascertain the active involvement of the applicant in the crime in question. He would urge that the applicant deserves to be released on the ground that even other co-accused namely, Shubham is already released on regular bail.

6. APP would oppose the aforesaid prayer based on the investigation

papers.

7. I have appreciated the said submissions.

8. In the backdrop of the allegations in the FIR, the investigation is carried out till this date. The statement of the co-accused which can be used for investigation recorded under Section 27 of the Evidence Act categorically implicates the applicant in the commission of the offence in question. Even if the discovery under Section 27 of the Evidence Act cannot be considered against the applicant, however, the same is sufficient enough for the investigating agency to lead investigation in the directions of the present applicant.

9. Apart from the above, the trial Court has already recorded a finding that the applicant was found to be involved in the offence in question.

10. The applicant has not disputed his presence on the spot of the offence.

11. That being so, no case is made out for grant of pre-arrest bail. As such, application fails and stands rejected.

12. Needless to clarify, if the applicant surrenders, his bail application shall be decided on its own merits.

(NITIN W. SAMBRE, J.)

Minal Parab