

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3215 OF 2022
WITH
ANTICIPATORY BAIL APPLICATION NO.3216 OF 2022

Rupesh Vijay Merat	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr. Shekhar Jagtap a/w Manisha Jagtap and Sairuchita Chowdhary i/b J. Shekhar & Co. for the Applicant.

Mr. S.V. Gavand, APP for the State.

PI Vikas Nikam, Shahapur Police Station present.

PI Santosh Ambike, ACB Thane present.

CORAM : BHARATI DANGRE, J

DATE : 18th NOVEMBER, 2022.

P.C.

1] At the outset, learned counsel for the Applicant seeks permission to correct typographical error in the prayers contained in ABA No.3216/2022. Permission is granted to carry out necessary amendment.

2] The Applicant is apprehending his arrest in two CRs, which revolve around same series of events. It can be noticed that CR No.405/2022 is registered with Shahapur Police Station, whereas CR No.406/2022 is registered with ACB Thane, for the offences under

Sections 353, 332, 279 and 337 of the Indian Penal Code and under Section 184 of the Motor Vehicle Act.

3] It is alleged that after trap was led by the raiding team, in an attempt to flee away from spot, by rashly and negligently driving the motorcycle, the Applicant dashed one of the officer of department and in the incident he sustained injuries. This is the case of second CR.

4] It is noticed that as far as ABA No.3215/2022 is concerned, where protection is sought in this CR, the Sessions Judge has refused the interim order and main application is pending before the learned District Judge 3 and Additional Sessions Judge, Kalyan, and it is informed that it is scheduled for hearing tomorrow .

5] In the wake of above, I am not inclined to entertain ABA no.3215/2022. Hence, the same is rejected.

6] The learned APP has placed before me pre-trap panchanama and trap panchanama drawn on 12.10.2022. On perusal of the same, the happenings of events are recorded, which reflect that the Applicant called the complainant to deliver the amount which was sought for providing him copies of the 7/12 extract and when the notes were handed over to him, they slipped. He suspected some plot and in an attempt to flee away from the spot, he left the notes, which were seized by preparing Panchanama and these are the same notes which were handed over to the complainant and were smeared with phynolphthelin powder. Six notes of Rs.500/- each were recovered from the spot from where the Applicant fled away as per the Panchanama drawn. The numbers on these notes tally with the which were handed over to the

complainant.

It is only because the Applicant attempted to flee away, he could not be caught, which otherwise would have been the consequence, as the raiding team was in the process of apprehending him and on realizing potential of the trap, he fled away.

7] Perusal of the panchanama clearly reveal the background and circumstances in which the incident took place which is recorded in the Panchanama, which definitely warrant custodial interrogation of the Applicant.

Hence, ABA No.3216/2022 is rejected.

[BHARATI DANGRE, J]