

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 945 OF 2023

Shankar s/o Keda Ahire

Applicant

Versus

The State of Maharashtra

Respondent

Mr. M. B. Borse, Advocate for the applicant.

Mr. S. N. Morampalle, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 11th JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0165/2022 registered with Jawaharngar Police Station, Dist. Aurangabad for the offences punishable under Sections 363, 366, 419, 420, 465, 468, 471, 506 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant states that the name of the applicant is neither mentioned in the First Information Report nor he is arrayed as accused in charge-sheet filed before the Judicial

Magistrate First Class. It is contended that the applicant apprehends arrest as his name is referred by some witness.

3. Learned APP opposed the application by contending that the statement of witness shows that the applicant herein had received money as agent for settlement of marriage. According to him, the applicant is absconding and therefore, application be rejected.

4. Perusal of the statement of the victim as well as First Information Report does not reflect name of the present applicant as accused in this crime. Undisputedly, charge-sheet is filed wherein only four persons are named as accused and out of which, Kausalya is claimed to be absconded. There is nothing on record to indicate that at any point of time, an attempt was made by the Investigating Officer to secure custodial interrogation of the applicant to ascertain his role in the crime in question. On the basis of solitary statement of the witness, it cannot be presumed that the applicant is involved in this crime. The record clearly indicates that the Investigating Officer is not interested in seeking interrogation in respect of the present applicant and charge-sheet has also been filed without

mentioning present applicant as absconding accused. All this shows that custodial interrogation of the applicant is not necessary. Hence, application stands allowed in terms of the interim order.

(R. M. JOSHI)
Judge

dyb