

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

973 ANTICIPATORY BAIL APPLICATION NO.1051 OF 2023

VISHNU SURENDRASINH SIKARWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Khan Abdul Hakeem h/f

Mr. Shaikh Mohammad Naseer A.

APP for Respondents: Mr. S. P. Sonpawale

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CORAM : R. M. JOSHI, J.

DATE : 19th AUGUST, 2023

PER COURT :

1. Apprehending arrest in connection with Crime No. 75/2022 registered with Bhusawal (Railway) Police Station for the offence punishable under Sections 379, 414, 120B r/w 34 of IPC, applicant approached this court seeking anticipatory bail.

2. Learned counsel for the applicant submits that merely because the applicant happens to be the brother of co-accused, the applicant is arrested. It is submitted that the record indicates that the alleged snatching of sack bag of courier was against a single person. It is further pointed out that the investigation in the crime is already

over with recovery of entire muddemal from co-accused. Thus, it is his submission that there is no evidence to connect the applicant with the crime in question.

3. Learned APP opposed the application by submitting that the CDR indicates telephonic contact between the present applicant and the co-accused and hence, this is not a fit case to grant pre-arrest bail.

4. Perusal of the record indicates that the investigation into the crime is already over with filing of the charge-sheet. The entire muddemal is seized at the instance of the co-accused. The CDR i.e. the telephonic conversation between the applicant and the co-accused cannot be considered as adverse circumstance against him, as they are brothers. Except for the CDR, there is nothing on record to show his involvement in the present case. After recovery of entire muddemal and filing of charge-sheet, custodial interrogation is not necessary. Hence, the following order.

ORDER

- (i) The application is allowed.

- (ii) In the event of arrest of applicant in connection with Crime No. 75/2022 registered with Bhusawal (Railway) Police Station for the offence punishable under Sections 379, 414, 120B r/w 34 of IPC, he be released on bail on his furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station once in a week.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE