

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 121 OF 2023

1. Mayur Siddharth Londhe,	
2. Guru Sanjay Kamble &	
3. Bhaskar Sanjay Kamble	...Applicants
V/s.	
State of Maharashtra	...Respondent

Mr. Zaid Qureshi i/b. Mr Subhash Hulyalkar for the Applicants.
Ms. Rutuja Ambekar, APP for the Respondent-State.

CORAM : N.R. BORKAR, J.

DATE : 6TH APRIL, 2023

P.C.:

1. This is an Application filed u/s 438 of the Code of Criminal Procedure, 1973 for Anticipatory Bail.
2. The Applicants are apprehending their arrest in Crime No. 290 of 2022 registered at Haveli Police Station, Pune for the offence punishable u/s. 395, 397, 341, 504 and 506 of IPC.
3. According to the prosecution on the day of incident, which took place on 20/12/2022 the complainant and his friends were returning to their village Kolhewadi by WagnoR Car and his friend Amol Yadav was driving the car. It is alleged that at about 1.00 am the present applicant and other co-accused accosted them and before they could understand anything started assaulting them. It is alleged that the

present applicants and other co-accused after assaulting the complainant and his friends robbed them of mobile phone, gold chain and cash of Rs.38,000/-.

4. Learned counsel for the Applicants submits that the driver of the car, who was under the influence of liquor, came to them and started assaulting them. It is submitted that just to give colour of serious offence, false allegations are made against the applicants.

5. On the other hand, learned APP submits that the Applicants are involved in a serious offence of dacoity. It is submitted that considering the nature of the offence the Applicants may not be released on bail.

6. It appears that during the course of investigation, the prosecution has collected CCTV footage of place of incident.

7. The Applicants stated on Affidavit that the driver of the car crossed the road and came towards them and started assaulting them.

8. In the counter affidavit the Investigating Officer stated thus:

"6. I say that during the course of the investigation, the investigating agency obtained CCTV footage of Consultancy Service Centre on 24.12.2022 where there were four cameras. I further say that Camera No. 3 of the said CCTV Footage shows the incident occurred on 20.12.2022 at about 2.00 am in the midnight. It also shows that at about 02.02 am on Pune - Sinhgad Road, two persons were walking on the said road and behind

them, one black colour motorcycle - scooter one person was shown and one black/gray colour motorcycle - scooter two persons were shown. In the said CCTV Footage, they were stopped at the said Consultancy Service Centre and they were roaming on the said road. I further say that the CCTV Footage also goes to show that at about 02.12 am, from those persons, one of them tried to stop one white car by raising his hand, but the said car did not stop, hence, the said person walked two-four feets by raising his hands and thereafter he came back. I further say that the CCTV footage also goes to show that at about 2.14 a.m. one gray colour WagorR came and stopped in front of them and the driver of the said car namely Amol Dagadu Yadav got down and went towards those six persons. I further say that the CCTV Footage also shows that at about 02.15 a.m. to 02.16 a.m., thereafter the said six unknown persons started assaulting the said Amol Yadav with their fists and kicks blow and it is also seen that they went to the said car and started seeing into the said car, at that time, the Orig. Complainant/Informant got down from the said car, at that point of time those six persons started assaulting the Orig. Complainant/Informant with fists and blows and took him across the road. It is also seen in the said CCTV Footage that the said Amol Yadav thereafter stood behind the car of one of the unknown persons and later on the said Amol Yadav sat in the said car and turned the said car and again went towards them. I further say that the CCTV Footage also shows that at about 02.17 a.m. out of those six unknown persons, five unknown persons ran towards their motor cycle and one person ran away towards Sinhagad Road and other four persons sat on their motor cycle and proceeded towards Sinhagad Road towards Sinhagad. I further say that the screenshots of the said incident were taken. I further say that accordingly, the said CCTV Footage was seized in accordance with the law and CCTV Footage Panchanama was conducted on 24.12.2022 in presence of two panchas. I crave leave to refer to and rely upon the said CCTV Footage Panchanama dated 24.12.2022 only for the perusal of this Hon'ble Court as and when required."

9. It is apparent from the affidavit filed by the I.O. that Amol Yadav

was driving the car. He himself stopped the car and went towards the applicants. Therefore, prima facie, defence of the applicant appears to be probable. There are no other criminal antecedents. Considering the overall facts and circumstances, I am inclined to release the Applicants on Anticipatory Bail. Hence, the following order is passed.

:: ORDER ::

- (i) The Application is allowed.
- (ii) In the event of arrest of the Applicants Crime No. 290 of 2022 registered at Haveli Police Station, Pune for the offence punishable u/s. 395, 397, 341, 504 and 506 of IPC the Applicants be released on bail on furnishing P.R. Bond of Rs. 25000/- (Rupees Twenty Five Thousand) each with one or two sureties of like amount.
- (iii) The Applicants shall attend the concerned police station as and when called by the Investigating Officer for the purpose of investigation till the filing of the charge sheet and thereafter once in a month i.e. on 1st Saturday between 11.00 AM to 2.00 PM till the conclusion of the Trial.

ANANT
KRISHNA
NAIK

Digitally signed
by ANANT
KRISHNA NAIK
Date:
2023.05.16
15:39:32 +0530

(N. R. BORKAR, J.)