

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

ANTICIPATORY BAIL APPLICATION NO. 242 OF 2023

1) Rahul Ashok Yadav	
2) Saddam Hussain Nasim Ansari	..Applicants
VS.	
State of Maharashtra	..Respondent

Adv. Monish Bhatia a/w Mr. Vikrant Sukhwani for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 9, 2023

P.C. :

- 1.** Heard learned counsel for the applicants and learned APP for the State.
- 2.** This is an application for pre-arrest bail by the applicants in connection with C.R. No.I-277 of 2022 dated 15/06/2022, registered with Ulhasnagar Police Station, under section 399 of the Indian Penal Code, 1860 ("IPC" for short), sections 4 and 25 of the Arms Act, 1959 and sections 37(1) and 135 of the Maharashtra Police Act, 1951.
- 3.** It is alleged that 13 accused had gathered for the purpose of dacoity near the house of one Mr. Vishal Shinde.

The applicants are accused nos. 8 and 10. Mr. Vishal Shinde came to know that the accused had gathered at the spot to commit dacoity at his house and therefore, informed the police. The police arrested accused no. 1 Fauji and accused no. 2 Suraj. The others on seeing police arrival, fled from the scene on motorcycles. The allegation is that 13 accused have assembled with the intention to commit dacoity. The witness Mr. Vishal Shinde in his statement stated that there is a previous dispute between the accused no. 3- Sudhir Singh and them. It is stated that in 2021 the accused no. 3 and along with his associates had committed dacoity at his residence. Accordingly, the complaint C.R. no 9 of 2021 came to be registered against Sudhir Singh and his associates under sections 395 and 452 of IPC.

4. The materials reveal that one of the witnesses stated that applicants had come to offer condolences to his family as the witness's father has passed away. Considering that there are disputes between the group of Sudhir Singh to which applicants belong and the informant Mr. Vishal Shinde, in my opinion, custodial interrogation of the applicants is not required. The applicants and the informant

are known to each other very well as they are residing in the same area. There is a political rivalry between them. There are no criminal antecedents reported against the applicants. Hence, the following order.

ORDER

- (a)** In the event of arrest of the applicants- Rahul Ashok Yadav and Saddam Hussain Nasim Ansari, in connection with C.R. No.I-277 of 2022, registered with Ulhasnagar Police Station, shall be released on bail, on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount;
- (b)** The applicants shall report to the concerned police station on 14/02/2023 and 15/02/2023 between 11.00 a.m. and 2.00 p.m. and thereafter as and when called;
- (c)** The applicants to co-operate with the Investigating Officer;
- (d)** The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence;
- (e)** The applicants shall furnish the details of

their residential addresses and phone numbers
to the investigating officer.

- 5.** The application stands disposed of.

(M. S. KARNIK, J.)