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

ANTICIPATORY BAIL APPLICATION NO.1213 OF 2023

Akash Chandrakant Babar

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Santosh Sonawane for the Applicant.

Mr. H. J. Dedhia APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 3RD MAY 2023

P. C. :

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.
2. Three accused persons are named in the FIR and the applicant is one of them. There is one unknown person. The offence is registered at Ambarnath police station under sections 394, 363, 341, 506(2), 504 read with 34 of IPC and section 37(1), 135 of Maharashtra Police Act, at the instance of one Kishor Laxman Danke. He was transporting goods from Kalyan to Ambarnath in wee hours at 4 am on 11th October 2022. He was supposed to deliver goods to shop of one Hari Seth when the Applicant came in his tempo in Vandra pada area (West), he was stopped by accused Irfan Shaikh and Vishal Pawar. Though, it may be true that at initial stage, the Applicant is not

involved, however, when the first informant was forcibly taken out from his tempo and he was threatened by two accused, the present Applicant came on one motor cycle along with one unknown person. There are specific allegations against this Applicant in the events that took thereafter. After opening shutter he took the first informant to one Gala and then he forced the first informant to sit on the motor cycle and he took him near MSEB office, Gandhi Chowk, Ambarnath.

3. At that juncture accused Irfan and Vishal brought said tempo and the key was handed over to the first informant. The goods worth Rs.23,000/- were robbed from that tempo. Even though it may be true that the Applicant has not removed the goods, there are allegations that he played part in threatening the first informant and taking him to particular spot. So custodial interrogation of the Applicant is very much required. Hence, no case for anticipatory bail is made out. The Application is rejected.

4. These are my prima facie observations and the trial Court may not be influenced by these observations.

5. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]