

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2357 OF 2023

Rajo Kumar Yadav ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Prabhanjay Dave a/w. Akshay Dave, for the Applicant.
Ms. A.A. Takalkar, APP, for the Respondent/State.
Ms. Nita Mahadik, PI, D.B.Marg police station present.

CORAM : N. J. JAMADAR, J.
DATE : AUGUST 28, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. The learned counsel for the applicant, on instructions, seeks leave to withdraw the application qua applicant No. 2 Beenod @ Kailash Yadav.
3. Leave granted.
4. Application stands disposed as withdrawn qua applicant No. 2 Beenod @ Kailash Yadav.
5. The learned counsel for the applicants submits that as regards applicant No. 1 Rajo Kumar Yadav there is no material to connect the applicant with the subject crime. Nor there is any antecedent which would deprive the applicant No. 1 of the relief of pre-arrest bail.

6. I have perused the first information report. Apart from the persons who were apprehended in the raid conducted on 21st July, 2021, along with the victims, few persons were named as conspirators by their first names. It seems that on the basis of the statements of the co-accused, applicant No. 1 Rajo Yadav came to be impleaded. Prima facie neither the applicant No. 1 was present at the time of the alleged occurrence nor there is any other material to connect the applicant No. 1 with the alleged offence.

7. The learned counsel invites attention of the Court to an order dated 6th July, 2023 passed by the learned Sessions Judge in ABA No. 1423 of 2023 whereby the similarly circumstanced co-accused, who was also named in the first information by his name as Suresh Gowda, came to be released on pre-arrest bail.

8. In the totality of the circumstance, a prima facie case is made out to exercise the discretion in favour of the applicant.

Hence, the following order.

ORDER

1] The application stands allowed qua applicant No. 1 Rajo Yadav.

2] In the event of arrest in C.R. No. 634 of 2021 registered with D.B. Marg police station, the applicant No. 1 Rajo Yadav be released on bail on furnishing a P.R. bond in the sum of Rs.

30,000/- with one or two sureties in the like amount.

3] The applicant shall cooperate with the investigation and attend D.B. Marg police station as and when directed.

4] The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant or any of the prosecution witnesses.

5] It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(N. J. JAMADAR, J.)