



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

947 ANTICIPATORY BAIL APPLICATION NO. 499 OF 2024

Arjun @ Balu Chhabu Tujare

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. The Superintendent of Police

..RESPONDENTS

Advocate for Applicant : Mr. Narwade Narayan B.
APP for Respondent/State: Ms.R.P. Gaur

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 13th June, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.1206 of 2023 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offence punishable under sections 394, 120-B (added) read with 34 of the Indian Penal Code (For short, "IPC").
2. It is the prosecution case that on 28th December, 2023, the complainant Vithal Sonawane withdrew the amount of Rs.10,00,000/- from his bank and he was going to his Industry. When he was on the road, one motorcycle came from back side and gave dash to his motorcycle. Two persons were riding on the said motorcycle. Due to dash, the complainant fell on the ground. Out of two persons, who were on other motorcycle, one person shown sword to the complainant and snatched bag containing Rs.10,00,000/- from him and fled on the motorcycle without number plate. It is alleged that the applicant had

assured accused nos.1 and 2 that he would invest the robbed amount and give him good benefit.

3. It is contention of the learned counsel for the applicant that accused nos.1 and 2 have been arrested by the police on 27th February, 2024 after two months of the incident. The amount of Rs.10,00,000/- is recovered from them. In the police interrogation, accused nos.1 and 2 have stated the name of the present applicant. On that basis, the police has added the applicant as accused in the present crime. The learned counsel further submitted that for two months, the amount of Rs.10,00,000/- was with accused nos.1 and 2. Had there been a contact of the applicant with accused nos.1 and 2, the amount would have given by them to the applicant and the applicant would have invested it. But it has not been happened. It shows false involvement of the applicant in the said crime. Hence, it is requested to allow the application.

4. It is contention of the learned APP that the applicant was part of conspiracy to rob the complainant. The applicant had assured accused nos.1 and 2 about investment of robbed amount. Custodial interrogation of the applicant is required. Hence it is requested to reject the application.

5. I have heard both the learned counsel. Perused the FIR and police papers produced on record.

6. The allegation against the applicant is that he had assured

accused nos.1 and 2 for investing the robbed amount. It appears that accused nos.1 and 2 were arrested, after two months of the incident and amount of Rs.10,00,000/- is recovered from them. During that period of two months, accused nos.1 and 2 had not given the amount to the applicant for investment. Moreover, the robbed amount is recovered from accused nos.1 and 2. Hence, the custodial interrogation of the applicant is not required. Considering the above, I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.1206 of 2023 registered with Shevgaon Police Station, Dist. Ahmednagar, for the offence punishable under sections 394, 120-B (added) read with 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition :-
 - (a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]