



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 566 OF 2024

. Mahesh s/o Rajebhau Tak @ Pappu
Age: 37 years, Occu.: Agri. & Labour,
R/o. Kothrul, Tq.Majalgaon,
Dist.Beed. ..Applicant

VERSUS

1. The State of Maharashtra,
Through Police Station Officer,
Cantonment Police Station,
Dist.Chhatrapati Sambhajnagar (Aurangabad).
2. The Superintendent of Police,
Chhatrapati Sambhajnagar (Aurangabad) ..Respondents

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Advocate for Applicant : Mr. Vilas P. Savant
APP for Respondents : Mr.S.M.Ganachari

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 08 MAY, 2024
PRONOUNCED ON : 10 MAY, 2024

ORDER :-

1. Apprehending arrest in Crime no.0088 of 2024 registered at
Contonment Chavani Police Station, Dist.Aurangabad for offence
under Section 406 of the Indian Penal Code (IPC), applicant has
pressed instant application into service.

2. Pointing out to the FIR, learned Counsel for the applicant would submit that crime is registered only for Section 406 of the IPC. He further pointed out that alleged occurrence is of 21-01-2024 and crime is registered on 14-02-2024. He pointed out to the contents of the FIR and would submit that there is nothing incriminating regarding commission of said offence. He also invited attention of this Court to the observation of the trial Court and would submit that there is no proper reasoning while refusing relief. Hence, he prays for grant of anticipatory bail. He submits that he is ready to abide by all conditions imposed by this Court.

3. Learned App strongly opposed application on the ground that there are allegations of taking cash of Rs.1,50,000/-. That there is eye witness account. That his statement is recorded. That even investigating machinery is succeeded in gathering CDR, which connects present applicant with crime. That investigation is still incomplete and for effective investigation, he prays to refuse relief.

4. Perused the FIR and the Police papers. Admittedly, crime is registered on 14-02-2024. Sum and substance of the FIR is that on

21-01-2024, information was received by informant on telephone from his friend about arrival of present applicant and accordingly, informant and his friend Shaikh Feroz Shaikh Rafik went in Scorpio. According to informant, at that time, he was having cash of Rs.1,50,000/- and three mobiles in a bag. There were discussions between him and present applicant, but the discussion did not end into fruitful results. While near Military grave yard, when informant got down to urinate, it is alleged that present applicant left with bag containing cash as well as mobiles. He has given details of the same in the FIR.

5. On the strength of above allegations, crime was registered for commission of offence under Section 406 of the IPC. Admittedly, occurrence is of 21-01-2024 and as pointed out, FIR is of 14-02-2024. Even statement of friend, who was allegedly accompanying informant is recorded on 14-02-2024 i.e on the day of lodging of the FIR. Taking such material into consideration, relied as prayed deserves to be granted.

ORDER

- (i) Application is allowed.

(ii) In the event of arrest of applicant- Mahesh s/o Rajebhau Tak @ Pappu in connection with Crime No.0088 of 2024 registered with Cantonment Chhavani Police Station, Dist.Aurangabad, for offence punishable under Section 406 of the IPC, he be released on bail on executing Personal Bond and Surety Bond of Rs.25,000/- with one surety in the like amount.

(iii) Till filing of chargesheet, applicant shall attend the concerned Police Station as and when called by the Investigating Officer.

(iv) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE