

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

ANTICIPATORY BAIL APPLICATION NO.110 OF 2024

Ranjeet Adyaprasad Dubey Applicant

versus

State of Maharashtra Respondent

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- Mr. Hasan Ilyas i/b. Vinod Garud, Advocate for Applicant.
- Ms. Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.124/2022, dated 13/03/2022, registered with Kolsewadi Police Station, Thane, under sections 397, 394, 120-B r/w 34 of the Indian Penal Code.

2. Heard Mr. Hasan Ilyas, learned counsel for the Applicant and Ms. Sharmila S. Kaushik, learned APP for the State.

3. In this case the investigation is carried out and the charge-sheet is filed but the present Applicant is still absconding.
4. The FIR is lodged by the victim Bipin Mishra on 13/03/2022. He has described in his FIR that on that day at about 10.30 a.m. he and his friend Vinod were going towards Kailasnagar on his two wheeler. Suddenly four unknown persons intercepted him. He gave their description in the FIR. They were having choppers and iron rods. One of them assaulted the informant with a chopper on his left hand. All of them started assaulting him with their respective weapons. One of them was telling the others to give blows on the informant's throat. The informant had fallen down. They continued assaulting him. Those four unknown persons removed gold chains and bracelet from the informant's person and then they ran away. On this basis, the FIR is lodged.
5. Learned counsel for the Applicant submitted that the Applicant is not named in the FIR. He submitted that it is not the

prosecution case that the Applicant was one of the actual assailant. In the charge-sheet filed against other accused, there is hardly any material against the present Applicant showing his complicity. He submitted that in these circumstances the Applicant's custodial interrogation would not be justified.

6. Learned APP opposed these submissions. The charge-sheet shows that the victim Bipin had suffered four injuries. The first injury was on the left hand of the size 15 x 3 cm bone deep. The bone was visible. The second injury was on the right hand near elbow. It was of size 8 x 2 x 2 cm and mass was visible. The other two were in the nature of blunt trauma on the back and abrasion on the thigh. Thus, the incident is corroborated by the injury certificate.

7. Though, it is the prosecution case that four other accused had assaulted the victim and had taken away gold ornaments, the prosecution case is that Pramod Chauhan had grudge against the informant. He had arranged to cause this

assault through the present Applicant, who in turn had forwarded some amount given to him by Pramod to another accused Ritesh Singh. After that Ritesh had arranged for the assailants. Thereafter this incident had taken place. The Applicant was continuously in contact with the other accused Pramod and Ritesh at the relevant time. The investigating agency has call data record to show that fact. The Applicant is absconding since the date of the incident.

8. Considering this situation, it is necessary that the Applicant is subjected to custodial interrogation. The offence is quite serious and the Applicant could not be arrested because he was absconding. The investigating agency has definite material against him. Therefore, I do not find any merit in the present application. The application is accordingly dismissed.

(SARANG V. KOTWAL, J.)