

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

ANTICIPATORY BAIL APPLICATION NO. 427 OF 2024

Akshay Ashok Murkute

..Applicant

Versus

The State of Maharashtra

..Respondent

Ms. Shubhangi Parulekar for Applicant.

Mr. Pankaj Deokar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 14 FEBRUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.712 of 2023 registered at Chikhli Police Station, Pimpri-Chinchwad, on 30.10.2023, under section 392 r/w. 34 of the Indian Penal Code.

2. Heard Ms. Shubhangi Parulekar, learned counsel for the applicant and Mr. Pankaj Deokar, learned APP for the State.

3. The F.I.R. is lodged by one Reshma Pawar. She has stated that on 30.10.2023, around 6.45p.m. she was going towards the vegetable market. At about 8.30p.m. two persons came on a

two wheeler. One of them snatched the golden chain (*Mangalsutra*) worn by the informant and went away. On this basis the F.I.R. was lodged.

4. In this case, the prosecution case is that the applicant is helping the main accused who used to commit these offences in disposing of the chains and other ornaments by selling those articles to the jewellers.

5. Learned APP submitted that there are 12 antecedents against the applicant besides the present F.I.R. He submitted that the applicant is absconding and, therefore, his custodial interrogation is necessary.

6. Learned counsel for the applicant produced a chart of the offences registered against the applicant. It is taken on record and marked 'X' for identification. This chart is interesting. In some of the cases the applicant was taken into custody and was released on bail.

7. In C.R.No.631 of 2023 of Sangvi police station he was

in police custody from 15.12.2023 to 18.12.2023. He was granted bail on 20.12.2023. In C.R.No.547 of 2023 of Sangvi police station he was arrested on 19.12.2023 and was granted bail. In C.R.No.582 of 2023 of Sangvi police station he was arrested on 18.12.2023 and he was granted bail. In C.R.No.413 of 2023 of Sangvi police station, he was arrested on 20.12.2023 and he was granted bail. In C.R.No.849 of 2023 of Bhosari police station he was arrested on 23.12.2023 and was granted bail. In C.R.No.450 of 2023 of Bhosari police station he was arrested on 24.12.2023 and he was granted bail. In C.R.No.499 of 2023 of Bhosari police station he was arrested on 24.12.23 and was granted bail. In C.R.No.135 of 2023 of Koregaon police station, he was arrested on 27.12.2023 and he was released on bail. In C.R.No.178 of 2023 of Koregaon police station, he was arrested on 30.12.2023 and he was released on bail. In C.R.No.1315 of 2023 of Hinjwadi police station he was arrested on 02.01.2024 and was released on bail. In C.R.No.311 of 2023 of Vishranwadi police station he was granted anticipatory bail.

8. In all these cases where he was arrested he was taken

into custody by transferring his custody from C.R.No.631 of 2023 registered at Sangvi police station. Even in the present case the involvement of the present applicant was revealed during investigation of the offence registered vide C.R.No.631 of 2023 at Sangvi police station. Thus, this chart shows that the investigating agency had sufficient opportunity to arrest and interrogate the applicant. The applicant is just being transferred from one registered offence to another. The custodial interrogation of the applicant in this case will not reveal anything further because at least in two offences earlier the applicant was in custody of other police station and they had an opportunity to interrogate him. Just transferring the applicant from one offence to another without any further investigation against him is not really serving any fruitful purpose. Therefore, in this background, the applicant can be protected, in this particular offence, U/s.438 of the Cr.p.c. However, he will have to attend the concerned police station and to co-operate with the investigation.

9. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.712 of 2023 registered at Chikhli Police Station, Pimpri-Chinchwad, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station from 26/02/2024 to 28/02/2024 between 1.00p.m. to 5.00p.m. and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)