

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

ANTICIPATORY BAIL APPLICATION NO. 1151 OF 2024

Rahul Chhagan Madne

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Shekar Jagtap a/w. Ishan Paradkar i/b. Akash Pandey for
Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 26 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.44 of 2024 registered at Alandi Police Station, Pimpri-Chinchwad, on 23.02.2024, under sections 395, 452, and 506 of the Indian Penal Code, under section 4 and 25 of the Arms Act and under sections 37 and 135 of the Maharashtra Police Act.

2. Heard Mr. Shekar Jagtap, learned counsel for the applicant and Ms. Rajeshree Newton, learned APP for the State.

3. The F.I.R. is lodged by one Ramesh Thorve. He has stated that, he was a resident of Charholi khurd, Vadgaon road,

Taluka Khed, District Pune. He was residing with his aged parents, younger brother, brother's wife, his own wife and children. The incident took place on 21.2.2024 in the late night. At about 2:30a.m. about five unknown persons entered their house forcibly. They showed sickle to the informant's wife. They forcibly removed the cash of Rs.2000/- and the ornaments from the cupboard in the house and went away. They ran for some time and then they sat in a Scorpio car bearing No.MH42-BJ-5596. The police were immediately informed and then this F.I.R. was lodged. Three accused were arrested at around 2:00a.m. on 23.02.2024 and fourth accused was arrested at around 3:00a.m. on 23.02.2024. The investigation was carried out.

4. Learned counsel for the applicant submitted that, there is absolutely no connection of the applicant with the alleged crime. Four persons are already arrested. Recovery of the ornaments worth Rs.95000/- is already done. The applicant is apprehending his arrest.

5. Learned APP opposed these submissions. She relied on

the statement of the arrested accused Pruthviraj Chauhan which was recorded U/s.27 of the Evidence Act. Wherein, there is a reference to the applicant's name. There are allegations that about five accused hatched the conspiracy to commit theft in a *Math* at Alandi.

6. I have considered these submissions. The statement of Pruthviraj Chauhan has absolutely no value. That statement shows that, he had showed some place, but nothing was recovered from there. In any case, that statement is worthless. Even otherwise, there was some reference to the recce carried out in respect of a *math* near Padmavati temple at Alandi. That has nothing to do with the present offence which is the subject matter of robbery committed in the house of the informant at village Charholi. Thus, from the record and the investigation carried out so far, it is quite clear that the applicant has no connection whatsoever with the alleged offence which is the subject matter of C.R.No.44 of 2024 registered at Alandi police station. In this view of the matter, the applicant's custodial interrogation is not necessary. He can be protected U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.44 of 2024 registered at Alandi 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 cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)