

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

Anticipatory Bail Application No. 1906 of 2024

Vijay Nivrutti Rasal
Aged 48 years, Occ. Business,
Indian Inhabitant, R/at. 3, Devraj
Residency, Jail Road, Ganesh Nagar,
Dasak, Nashik Road, Taluka &
District Nashik.

...Applicant

Vs.
State of Maharashtra
Through Public Prosecutor,
High Court (A.S.), Bombay.
At the instance of Tilak Nagar P.S.
Mumbai – C.R. No.40 of 2023.

...Respondent

Ms Sana Khan a/w. Mr Aditya Parmar i/b. Subhash Hulyalkar, for the applicant.

Mr Amit A Palkar, APP, for the respondent/ State.

Coram: R. N. Laddha, J.

Date: 22 July 2024

P.C.:

This is an application for pre-arrest bail filed by the applicant in connection with CR No.40 of 2024, registered at Tilak Nagar Police Station, Mumbai, for offences punishable under Sections 392, 170 read with 34 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, 1925.

2. According to the prosecution, the applicant booked a room in Hotel Ace, Marol, where the applicant and co-accused hatched a conspiracy to rob the informant of Rs.50 lakhs. It is further alleged that the accused distributed the proceeds of the crime in this hotel room.

3. Ms Sana Khan, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and submits that the applicant is not named in the FIR. She contends that nothing is on record to implead the applicant in the present crime except for the co-accused statement. The learned Counsel argues that the prosecution has failed to record the statements of Devidas and Sunil, who were carrying the cash on behalf of their employer, as well as Pooja Wadhwan, the employer. According to the learned Counsel, there are discrepancies in the informant's statements recorded by the investigating agency. Ms Khan further submits that the applicant has attended the police station and cooperated with the investigation, and a charge sheet has been filed. The co-accused have already been granted bail. The applicant is ready and willing to abide by the conditions set by the Court.

4. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, submits that the applicants and co-accused have conspired to rob the informant of Rs.50 lakhs in the room booked by the applicant. Of these Rs.50 lakhs, Rs.20 has not yet been recovered. The hotel manager's statement and the Call Detail Records (CDR) support the prosecution's claim against the applicant. The learned APP acknowledges that the charge sheet has been filed. However, he raises concerns about granting anticipatory bail as the applicant may tamper with the prosecution evidence/ witnesses.

5. Upon perusing the records, it appears that except for the

statements made by the co-accused and the hotel's manager regarding the hotel room booking, there is no material available on record linking the applicant to the present crime. The CDRs retrieved on 3 April 2024, which the prosecution relied upon to suggest the applicant's involvement, were not a part of the charge sheet filed on 12 April 2024. Furthermore, the co-accused have already been granted bail, and a charge sheet has been filed. Considering these factors and the nature of the allegations, this Court is inclined to exercise its discretion in favour of the applicant. The present application is allowed in the following terms:

- (i) In the event of the applicant's arrest in CR No.40 of 2024, registered at Tilak Nagar Police Station, Mumbai, he shall be released on bail upon executing a bail bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R. N. Laddha, J.)