

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3246 OF 2024

Mohd. Sabat Ayub Ansari

.. Applicant

Versus

State of Maharashtra

.. Respondent

-
- Mr. Vedchetan Patil for Applicant
 - Ms. Rajeshree V. Newton, APP for State
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 6, 2025

P. C.:

1. Mentioned at the time of rising.
2. Heard Mr. Patil, learned Advocate for Applicant and Ms. Newton, learned APP for State.
3. Applicant stands indicted for the offence punishable under Sections 392 r/w 34 of IPC. Mr. Patil would submit that Applicant was arrested for offence punishable under Section 201 of IPC but subsequently arraigned as accused in the main crime caused by accused Nos. 1 to 6. He would submit that Applicant has no antecedent and deep root in the society and he is doing business of supplying lubrication oil. He would submit that admittedly one of the accused gave phone call to the Applicant because in the course of his business, Applicant knew the said accused through his partner and he asked the Applicant to come to the incident spot where the co-accused

were arrested and where the car used by the 4 accused persons was parked. He would submit that the spot where the said car was parked was 14.5 kms away from the residence of the Applicant. He would submit that without suspecting anything, Applicant in order to aid and assist the accused who gave him a phone call to help him went to the said spot. He would submit that the entire chargesheet is completely bereft of showing any link or nexus of any of the co-accused persons in the present crime in question to the Applicant. He would submit that present crime in question pertains to 4 accused persons having committed dacoity and after committing the offence they used the car due to which Applicant was arrested. Considering that the arrest of Applicant at the inception itself was only under Section 201 of IPC and it being a non-cognizable offence, Mr. Patil would submit that Applicant ought not to have been sent to judicial custody under the Cr.P.C.

4. Learned APP shall consider the aforesaid submissions made by the learned Advocate for Applicant and accordingly apprise the Court on the next adjourned date when the Application will be heard and decided by the Court.

5. Stand over to **2nd April, 2025**. To be shown on **Supplementary Board**.

[MILIND N. JADHAV, J.]