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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3166 OF 2024

Sarika Sachin Vast & Anr.

..... Applicants

VERSUS

The State of Maharashtra

..... Respondent

Mr. Shivprasad C. Kanojia for the Applicant.

Mr. Nitin B. Patil, A.P.P. for the State.

Mr. Vivek Sonawane, PI, Dahisar Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 29th JANUARY, 2025

P.C. :-

1. This anticipatory bail application has been filed in C.R.No. 1019 registered with Dahisar Police Station under Sections 115(2), 137(2), 3(5), 310(2), 333 and 351(2) of the Bharatiya Nyaya Sahinta, 2023.

2. It is the case of the prosecution that the complainant is the 10th standard student studying in Cosmos High School, Kajupada, Borivali, Mumbai. It is further submitted that the complainant was earlier

staying in Borivali and from about September 2024, he had shifted to Bhayander East, Thane along with his family. His school timing is from morning 7 to 12.15 in the afternoon. On 23rd September, 2024 at 12.15 p.m. after the school time was over, he was waiting at the school gate to go to his home. At that time, he saw one person by name Mukesh who was residing in Dahisar locality and known to him. At that time, another person by name Samadhan, came from backside and started enquiring about the details of the father of the complainant. Immediately thereafter the applicant no.1 came in and started saying that the Complainant should be taken in custody till the father of the Complainant is not found. Further forcefully the Complainant was made to sit on a two wheeler, and was told to take all the Accused to the place where they could find the Complainant's father. While they travelled, the complaint was abused. As the Complainant tried to flee, the Accused person caught hold of him. Ultimately they forced the Complainant to reach at Borivali Station with them. On reaching platform, the Applicant No.2 thereafter the Complainant to sit in first class compartment in the train going to Virar. The school bag of the Complainant was removed by Applicant No.1. On the next station the

Complainant was taken to luggage the compartment. After reaching Bhayander station, all the accused walked with Complainant towards his home. As they reached Complainant's home, they barged into the home and started looking for the Complainant's father, as they didn't find Complainant's father, they started abusing all the family members, Mukesh and Applicant No.1 physically abused the elder brother of the Complainant. The mother of the Complainant tried to save the elder brother of the Complainant, she was also pushed by them. After abusing the family members further, they took same kind of writings in Hindi from the elder brother of Complainant. Applicant No.2 then took with him Oppo Mobile Phone of Complainant's elder brother, and two-wheeler keys and Applicant No.1, took Rent Agreement from the home and and threaten the Complainant and the family members they left.

3. Hence, an FIR was lodged against the accused persons. The learned A.P.P. submits that the police have arrested Mukesh Anant Pawar, Yogendra Shyamrao Prasad, Samadhan K. Kachave and Chetan Vijay Raut, all the four persons have been arrested and are released on bail by the Trial Court. The acts done by accused have been captured

on CCTV footage.

4. I have gone through the contents of the FIR. The items snatched by the applicants are still to be recovered, hence custody of applicants will be necessary. The allegations against the applicants is of forcefully entering into house and committing dacoity. The Sessions Court has rejected the anticipatory bail application filed by the applicant. No case is made out to grant anticipatory bail.

5. Hence, **Anticipatory Bail Application is rejected.**

[RAJESH S. PATIL, J.]