

MHCC050064702022



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

**ANTICIPATORY BAIL APPLICATION NO.1944 OF 2022
IN
C.R.NO.980 OF 2022**

Mr. PRATAP KAMLESH RAJBHAR,
Aged 22 years, Occ.- Driver,
Hindu, Adult, Indian Inhabitant,
R/o. Lalji Pada, Kandivali (West),
Mumbai – 400 067

.....Applicant/Accused

V/s.

The State of Maharashtra
(At the instance of Charkop Police Station, Mumbai)

.....Respondent

Adv. Vinod Kumar Tiwari for applicants/accused.
APP. Ms. R. S. Kanojia for State/respondent.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.
Court Room No.15.
Date : 6th December, 2022**

ORAL ORDER

The applicant-accused has filed this application under section 438 of the Code of Criminal Procedure for grant of Bail in anticipation of arrest in Crime No.980/2022 registered with Charkop Police Station for the offence punishable under Secs. 379 of the Indian Penal Code.

2. The applicant has approached this court apprehending his arrest in connection with C. R. No.980/2022 registered with Charkop Police Station for offence punishable under Sec.379 of the Indian Penal Code. It is further contended by him that during the course of investigation of the aforesaid crime, accused Aakash Hansraj Yadav came to be arrested and while he was in police custody, he made a statement to the police that stolen amount of Rs.1,50,000/- has been given to the applicant. It is contended by the applicant that there is nothing on record showing his involvement in the crime. He undertakes to co-operate the Investigating Officer in the investigation. He, therefore, prays that he be enlarged on bail in the event of his arrest in connection with aforesaid crime.

3. Prosecution strongly opposed the application contending that the stolen amount of Rs.1,50,000/- is to be recovered from the applicant. The prosecution, therefore, prays that application for anticipatory bail be rejected.

4. I have heard Ld. Advocate for the applicant-accused and Ld. A.P.P. jia for the State.

5. Perused FIR and remand reports. In connection with the crime No.980/2022 registered with Charkop Police Station, the co-accused namely Aakash Yadav was arrested who made statement that the stolen amount of Rs.1,50,000/- has been handed over to him. The subject matter of the crime is that the amount of Rs.1,50,000/- is to be recovered from the present applicant. For that purpose presence of the applicant with the police is warranted.

Having considered this aspect of the matter, I am not inclined to grant anticipatory bail to the applicant.

In the result, the following order is made :-

:ORDER:

1. Anticipatory Bail Application No.1944 of 2022 is rejected.
2. Anticipatory Bail Application No.1944 of 2022 stands disposed of.

Dt.06/12/2022

(S. N. SALVE)
Addl. Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi, Mumbai

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE 07.12.2022
AND TIME : 5.30 p.m.

Mrs. T. S. Bhogte
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri S. N. Salve (Court Room No153)
Date of Pronouncement of Judgment/Order	06.12.2022
Judgment/Order signed by P.O. on	07.12.2022
Judgment/Order uploaded on	07.12.2022