

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.692 OF 2015

Prem Prakash Sonawane and Another	... Applicants
vs.	
The State of Maharashtra	... Respondent

Mr. P.G. Sarda, for the Applicant.
Mr. D.P. Adsule, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: JUNE 23, 2015

P.C.:

. The application is moved for pre arrest bail as both the applicants/accused are facing charges for the offences punishable under Sections 395 and 397 of the Indian Penal Code in C.R. No. 92 of 2015 registered with Chakan police station, Pune on 4th March, 2015.

2. It is the case of the complainant Mr. Arnab Bada that, he is working as a 'Manager' at Trimurti Bar and Restaurant, Kuruli, Tal. Khed. On 2nd March, 2015 in the evening the applicants/accused along with two persons arrived in the hotel. They had food and drink. However, they did not pay the bill of Rs. 1,020/- and instead of paying the bill, they paid only

Rs. 50/-. So they were questioned by the staff. Then the applicants/accused and other persons damaged the furniture of the hotel and assaulted the complainant and his staff. Thereafter, they took away the amount of Rs. 1,25,000/- from the hotel. Hence, this complaint.

3. The learned counsel for the applicants/accused submitted that the amount of Rs. 1,25,000/- was in fact found to the complainant. So there is no offence of robbery/dacoity. He further submitted that, after going through the contents of the First Information Report, it do not discloses the ingredients of Sections 395 and 397 of the Indian Penal Code. He submitted that the complainant and his staff members did not receive any serious injuries. It was a sudden fight.

4. The learned prosecutor opposed the application. He relied on the injury certificates.

5. Perused the First Information Report. Perused the injury certificates. The injuries sustained to the complainant and the staff members are of simple nature. So also Rs. 1,25,000/- was found in the hotel. Considering the nature of the offence, I am inclined to grant pre arrest bail.

6. Hence, I grant anticipatory bail as under:
- a) In the event of arrest, the applicants/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) each with one or two solvent surety/s in the like amount;
 - b) The applicants/accused shall cooperate with the investigating officer and attend Chakan police station, Pune once in a week on every Monday for one month in between 4.00 pm to 7.00 pm.
 - c) The applicants/accused shall not pressurize the complainant and shall not indulge in any criminal activity.
7. Anticipatory bail application is disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)