

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 44 OF 2015

Amol Suresh Paloji. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Niranjan S. Mundargi, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

P.N. Rahul Desai, B.No. 1398, Laxmipuri Police Station.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 19, 2015

P.C.:

1 Learned Counsel for the applicant submits that the applicant herein is arrested in Crime No. 165 of 2014 on 18/1/2015 and is granted police custody remand for 3 days. In view of this, learned Counsel seeks liberty to withdraw this application.

2 This application arises out of Crime No. 166 of 2014 registered with Laxmipuri Police Station. It appears prima facie that all the

incidents have occurred on the same day and almost at the same time. Three different complainants have approached the police station and initiated criminal prosecution against the present applicant. In Crime No. 166 of 2014 except Section 450 of the Indian Penal Code, all other offences are bailable offence. It prima facie appears that according to the complainant, the applicant had broken open the house of the complainant and had caused damage to the tune of Rs. 15,000/-. It appears that nobody was assaulted in the said incident.

3 The learned Counsel has submitted that the recitals of the first information report would show that one Ranjit Moraskar was threatened of dire consequences prior to the date of the incident. Learned Sessions Judge in the order dated 10/11/2014 has observed that there is no plausible explanation for the inordinate delay in filing the first information report.

4 The learned APP upon instructions from the Investigating officer fairly submits that the present applicant is not a history-sheeter and

his application under Section 437 of the Code of Criminal Procedure, 1973 be considered by the Magistrate on its own merits.

5 It prima facie appears that Section 450 of the Indian Penal code would not be applicable and therefore, the learned Magistrate shall consider the application under Section 437 of the Code of Criminal Procedure, 1973.

6 The application stands dismissed as withdrawn and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)