

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 208 OF 2015

Vilas Narayan Taware

.. Applicant

V/s.

The State of Maharashtra

.. Respondent

(At the instance of Baramati Taluka

Police Station, Pune

Mr. Vikas B. Shivarkar for the applicant.

Mr. D.P. Adsule APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 27th February, 2015.

P.C.

1. Heard.

2. This is an application u/s. 438 of Criminal Procedure Code. The applicant herein apprehends his arrest in Crime No. 7/2015 registered at Baramati Taluka Police Station for the offence punishable u/s. 461 and 380 of the Indian Penal Code.

3. It is the case of the prosecution that on 07/01/2015 Shankerrao Taware lodged a report at the police station alleging therein that on 07/01/2015 at about 7.30 a.m. he saw present applicant leaving the tin shed along with a gani bag. He tried to stop him. However, the said person did not stop. He had identified the present applicant. He therefore, alleged that the applicant had committed theft in his house. He informed his son Sanjay. Sanjay came home, opened the tin shed and informed the complainant that five small motors and 80 feet cable were missing from the tin shed. Hence the complainant lodged the report alleging therein that the

applicant has committed theft of 5 motors worth Rs. 10,000/- and cable worth Rs. 3,000/-.

4. It is pertinent to note that the complainant and the applicant hail from the same lineage. Civil Suit No. 454/2013 is pending before Civil Judge Junior Division, wherein the complainant is plaintiff no. 2 and the applicant is defendant no. 1. It is apparent from the face on the record that in the First Information Report the complainant has nowhere stated that they happen to be related to each other and that they are parties to Civil Suit No. 454/2013. Prima facie, it is not a case for custodial interrogation. Hence, the applicant has made out a case for grant of bail.

5. The observations made herein are prima facie in nature. The same shall not be considered while deciding the application for discharge or for quashing of FIR or at the time of trial.

6. Hence following order is passed :

ORDER

(i). The application is allowed.

(ii) In the event of arrest, by way of ad-interim relief, the applicant be enlarged on bail on furnishing PR. Bond in the sum of Rs. 15,000/- and one or two sureties in the like amount.

(ii) The applicant shall report to the concerned police station as and when called.

(SMT. SADHANA S. JADHAV, J.)