

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Vinod C. Khatoriya	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.M.K.Kocharekhar, for the Applicant.
Ms.PPShinde, APP for the Respondent – State.
API – Pritam P Chaudhari.

CORAM : REVATI MOHITE DERE, J.
DATED : 18th MARCH, 2015.

P.C.

1. Heard learned counsel for the applicant and learned APP for the Respondent – State.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. no.I-22 of 2015 registered with the Vithalwadi Police Station, Thane, for the alleged offences punishable under Sections 392, 504, 506 of the Indian Penal Code.
3. The incident in question has taken place on 28th January, 2015, when the complainant was proceeding towards the Petrol Pump on his

Scooter. It is alleged that when the complainant was standing in front of the said petrol pump, the applicant confronted the complainant, abused him in filthy language, slapped him and then held of his collar and snatched his gold chain weighing 15 gms.

4. Learned Counsel for the Applicant contended that the applicant and the complainant were known to each other and had business dealings with each other. Thereafter, certain disputes arose between the parties, regarding payment of commission to the applicant. He submitted that infact the applicant had lodged a complaint on 5th July, 2014, as against the complainant with the Deputy Commissioner of Police. The complainant has also filed a complaint as against the applicant. He submitted that the present case is a false case and that the applicant is ready to deposit a sum of Rs.25,000/- i.e. the value of the gold chain allegedly snatched by him, without prejudice to his rights and contentions.

5. Prima-facie, it appears that complaints were filed by both, the applicant and the complainant against each other, prior to the date of the incident. Admittedly, there are disputes between the two.

6. Considering the peculiar facts of the case and in view of the aforesaid statement, made by the learned counsel for the applicant, the applicant deserves to be granted pre-arrest bail on the following terms and conditions ;

ORDER

- i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- ii) The Applicant shall attend the Vithalwadi Police Station, Thane, once a week i.e. on every Saturday, between 10.00 a.m. to 12.00 noon, till the filing of the charge sheet ;
- iii) The Applicant shall not tamper or attempt to influence any person concerned with the case ;
- iv) The Applicant shall co-operate in the conduct of the trial ;
- v) The Applicant shall deposit Rs.25,000/- in the Registry of this Court ;
- vi) After the charge-sheet is filed, learned counsel for

the applicant to inform the Registry, so as to enable the Registry to transfer the said amount to the Trial Court, where the case will be conducted. The learned Judge shall pass appropriate orders with regard to the same, whilst deciding the case.

7. The Application is allowed and disposed of in above terms.
8. The aforesaid observations are prima-facie, and the Trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.
9. Parties to act upon an authenticated copy of this order.

(REVATI MOHITE DERE, J.)