

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 623 OF 2015

Rajkumar Shyamnarayan Singh	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Ramesh Chandra Mishra, Advocate, for the applicant.

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

Mr. H.C. Saudagar, PSI, Vartak Nagar Police Station present.

Mr. Arun M. Mishra, complainant present.

CORAM: SMT.SADHANA S.JADHAV,J.

DATE : 26th June, 2015.

P.C.

Heard. This is an application under Section 438 of Cr.P.C.

The applicant herein is apprehending his arrest in Crime No.178 of 2015 registered at Vartak Nagar Police Station on 23.3.2015 against the applicant and others for the offences punishable under Sections 364A, 384, 385, 504, 506 read with Section 34 of the Indian Penal Code.

2. The applicant had approached the Sessions Court Seeking pre-arrest bail. The Investigating Officer had made a statement before the learned Sessions Court that the amount of Rs.75,000/- is to be recovered from the applicant which he had allegedly extracted from the complainant at different times.

3. It is pertinent to note that in the course of hearing before the Sessions Court, the complainant had filed an affidavit contending therein

that in fact he has no grievance against the present applicant and he has no he has no objection if he is enlarged on Anticipatory Bail. It was further contended that due to some misunderstanding he had named the applicant as an accused and therefore, according to him, the applicant deserve pre-arrest bail. The complainant has also given a supplementary statement before the police on 24.6.15 therein contending that he had in fact no grievance against the present applicant right from inception.

4. Today, the complainant is present in the Court and reiterates that he has no grievance against present applicant. At this stage, it cannot be said as to whether the complainant is making a voluntary statement or a statement under coercion. It would be abundantly clear that he has utilised the services of the police department and has also wasted valuable time of the Court in prosecuting a person against whom he has no grievance at this stage. This Court is of the opine that the complainant deserves to be saddled with costs.

5. The learned APP, on instructions from the complainant, who is present in the Court and the complainant has volunteered to pay the costs of Rs.5,000/-. The statement, being a voluntary statement, is accepted. The said cost is to be directed to be deposited in the account of the "Police

Welfare Fund”, Commissioner of Police, Thane, bearing Account No. 11100527055. The complainant shall pay costs within one week from today.

6. In the abovementioned premises, the applicant deserves pre-arrest bail. It is made clear that the application is being allowed without going into the merits of the matter and only on the basis of the statement of the complainant. Hence, this order need not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called.
- (iv) The complainant to pay cost of Rs.5,000/- in the account of “Police Welfare Fund”, being Account No. 11100527055, Commissioner of Police, Thane, within one week from today.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)