

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.855 OF 2015

Shekhar Nagesh Kelshikar	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. Milind Deshmukh, for the Applicant.
Mrs. R.V. Newton, APP for Respondent – State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: JUNE 26, 2015

P.C.:

. The application is moved by the applicant/accused for pre arrest bail as he is apprehending arrest in C.R. No. 321 of 2014 registered with Vishrantwadi police station, Pune for the offences punishable under Sections 307, 120(B), 323, 341, 504 and 506 read with 34 of the Indian Penal Code.

2. It is the case of the prosecution that the complainant Saket Tadilkar who is the nephew of the present applicant/accused and the son of the co-accused, has given a private complaint in the Court of Judicial Magistrate, Pune and the learned Judge has directed police to conduct

further investigation under Section 156(3) of the Code of Criminal Procedure. Pursuant to which the offence is registered.

3. It is the case of the prosecution that the father of the complainant died on 1st October, 2012 leaving behind his ancient properties. So also there are immovable and movable properties on which the complainant and the co-accused have their rights. It is the case of the prosecution that the applicant/accused who is a maternal uncle of the complainant and co-accused Anuja Tadilkar who is the mother of the complainant, both used to harass the complainant. They used to abuse him and torture him in various manner. He was not given food and he was also threatened of his life. Therefore he lost his mental balance and took medical treatment of psychiatric. Such things are done by the applicant/accused and co-accused with an intention to grab the properties which were left behind by the father of the complainant.

4. The learned counsel for the applicant/accused submits that applicant is innocent. He is the maternal uncle of the complainant and has no intention to grab the properties of the complainant in any manner. He is involved falsely at the behest of the paternal aunt of the complainant. Hence, he prays for pre arrest bail.

5. The learned prosecutor opposed the application.
6. Perused the first information report and other documents. Considering the nature of the allegations, it appears that *prima facie* it is a family dispute for the ancient properties between the sisters of late Manohar Tadilkar and his widow. Hence, I am inclined to grant pre arrest bail to the applicant/accused.
7. Hence, I grant anticipatory bail as under:
 - a) In the event of arrest, the applicant/accused be enlarged on bail upon furnishing P. R. Bond in the sum of Rs. 15,000/- (Fifteen Thousand) with one or two solvent surety/s in the like amount;
 - b) The applicant/accused shall attend the concerned police station on 2nd July, 2015 in between 10.00 am to 12.00 noon.
 - c) The applicant/accused shall not pressurize the complainant or other witnesses in any manner.
8. Anticipatory bail application disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)