

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1194 OF 2015**

Praful Balram Tangadi & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Niranjan Mundargi for the Applicant

Mr. S. S. Pednekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 21st AUGUST, 2015

P.C. :

1. Heard learned Counsel for the applicants and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R No. I-262 of 2015 registered with the Waliv Police Station, Palghar, for the alleged offences punishable under Sections 392, 34 of the Indian Penal Code.
3. The complainant is one Ganesh Harishchandra Vaishya, the Manager of M/s. Asha Enterprises. The owner of the said M/s. Asha Enterprises is one Pravin Gupta. According to the prosecution, the alleged

incident took place on 30th June, 2015 at about 9:00 a.m. He has alleged that on the said day and time, the driver Sonu and Bhairav had come to the office and hence, they were chatting in the office. He has alleged that suddenly three unknown persons barged into the office and ransacked the office. It is alleged that the said three unknown persons also threatened the complainant and his associates of dire consequences. It is alleged that the said unknown persons pulled out Rs. 2,00,000/- from the drawer and fled away. On 16th July, 2015, Sachin Ashok Thorat and Sonya @ Jitendra Manohar Bhoir were arrested and were granted police custody. In the remand report, the present two applicants were shown as wanted accused. In the second remand report, three other persons i.e. Rakesh Patil, Vishwanath Patil and Kisan Patil were shown as wanted accused. On 21st July, 2015, the statement of the arrested accused Sachin Thorat was recorded, in which, he allegedly disclosed that in June, 2015, the wife of co-accused Vishwanath had contested the election of Vasai-Virar Municipal Corporation. It is alleged that she has contested on the ticket of Bahujan Vikas Aghadi and at that time, the present two applicants were campaigning for her. Veena Gupta, wife of Pravin Gupta i.e. the owner of M/s. Asha Enterprises has also contested the said election. However, both-

wife of Vishwanath as well as the wife of Pravin were defeated in the said elections.

4. Learned Counsel for the applicants contended that the applicants are entitled to pre-arrest bail on the ground of parity, inasmuch as similarly placed co-accused have also been granted anticipatory bail by this Court vide order dated 12th August, 2015. He submitted that a false case was filed against the present applicants due to political enmity between the applicants and Pravin Gupta, the owner of M/s. Asha Enterprises.

5. Learned Counsel for the applicants states that only because the present applicants were campaigning for the wife of co-accused Vishwanath Patil that they have been falsely implicated.

6. Learned A.P.P opposed the bail application. He relied on two statements, one of Bappi Kisandas and the other statement of Anil Madhukar Patil. He submitted that Bappi Kisandas knew the present applicants and has disclosed that he had seen the applicants at the time of

the incident. He submitted that as far as the statement of Anil Patil is concerned, an extra judicial confession was made to him by the applicant No. 1. He submitted that there are antecedents against both the applicants. There is one case registered against the applicant No. 1 and two cases as against the applicant No. 2.

7. As far as antecedents are concerned, the learned Counsel for the applicants states that in one of the cases, the applicants have been acquitted. It may be noted that merely because there are antecedents, that by itself, cannot be a ground to deny bail to the applicants in the absence of any material to show the complicity in the crime in the present case.

8. Perused the papers. As far as the statement of Bappi Kisandas is concerned, the same shows that the applicants were merely seen by the said witness from 8:00 p.m. to 9:15 p.m. As far as the extra judicial confession is concerned, the statement of Sunil Patil was recorded on 28th August, 2015, whereas, the incident is of 30th June, 2015. Admittedly, the present applicants were residents of the same locality and as such it is difficult to digest that the complainant or the eye-witnesses would not

know the applicants. Even otherwise, the present three applicants, according to the prosecution, are not the ones who are alleged to have ransacked the office. Considering the aforesaid facts and considering the fact that the co-accused have been granted anticipatory bail, applicants deserve to be granted on anticipatory bail on the following terms and conditions:

ORDER

- (i) The applicants, in the event of their arrest, be enlarged on bail on executing PR Bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount;
- (ii) The applicants shall attend the concerned Police Station on the first Sunday of each month till the filing of charge-sheet;
- (iii) Applicants shall not tamper with the evidence or contact the witnesses.

9. The application stands disposed of in the above terms.

10. It is made clear that the observations made herein are confined to this application and the learned Judge shall decide the case on its own merits, uninfluenced by the observations made herein.

11. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.