

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1213 OF 2015

Shri Anandrao Rangrao Patil	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent
Mr. Prashant Bhavake, Adv. for applicant.		
Mr. Y M Nakhawa, APP for State.		

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 7th December, 2015.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.263 of 2015, registered at Karveer Police Station, Kolhapur, Dist. Kolhapur for the offences punishable under Sections 420 and 206 of the IPC.

2. Mr. Bhavake, the learned counsel for the applicant has submitted that the FIR does not prima facie disclose the offence against applicant. He has further submitted that the FIR has been filed after considerable delay.

3. Mr. Nakhawa, the learned APP for the State submits that the material on record prima facie indicates that the applicant has received Rs.3 lacs from the complainant on an assurance of selling the devasthan land. The learned APP has submitted that the material on

record prima facie shows involvement of the applicant in commission of crime.

4. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The said crime was registered pursuant to the complaint lodged by Sagar Mane, who had alleged that he was desirous of purchasing the temple property. The complainant had stated that applicant had told him that he had discussed his proposal with the members of the Devasthan trust and that they had agreed to transfer the land in his name on payment of Rs.3 lacs. The complainant had further stated that the applicant had taken Rs.3 lacs as an advance. The complainant had stated that the applicant had not completed the sale transaction and had also not repaid the amount of Rs.3 lacs taken by him as an advance. The complainant had further stated that the applicant had threatened him, when he had demanded the said money.

5. The allegations in the complaint prima facie disclose involvement of the applicant in the commission of the said offence. It is however to be noted that the complaint in respect of the incident

has been filed in 2015 i.e. about three years from the date of the incident. The delay in lodging the complaint, in my considered view, would not justify custodial interrogation. Further more the applicant has been on interim bail and has been cooperating with the investigation. The applicant is the permanent resident of Kolhapur. Hence there is no possibility of the applicant absconding and thwarting the course of justice.

6. Under the circumstances, the application is allowed on following terms and conditions.

1. In the event of arrest of the applicant in Crime No.263 of 2015 registered at Karveer Police Station, Kolhapur, the applicant shall be released on bail bond of Rs.20,000/(Rupees Twenty five Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Kolhapur
2. The applicant shall report to investigating officer for 7 days from 10 am to 1 pm and further as and when required by the investigating officer for the purpose of the interrogation.
3. The applicants shall not tamper with the evidence or influence complainant and witnesses in any manner.
4. The applicant shall not leave Kolhapur district till filing of the chargesheet without prior permission of the JMFC, Kolhapur.

(ANUJA PRABHUDESSAI, J.)