

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1441 OF 2014

Vijay Ramji Chavan. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1477 OF 2014

Tulshidas Shantaram Mayekar. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Lokesh Zade i/b. Khandeparkar & Associates, advocate for
Applicant in ABA 1441/14.

Mr. Shrikant Gawand, advocate for applicant in ABA 1477/14.

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

CORAM : SMT.SADHANA S. JADHAV,J
DATE : FEBRUARY 17, 2015

P.C.:

1 Heard the learned Counsel for the applicants and the Learned
APP for the State. Perused the papers.

2 These are the applications under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in Crime No. 67 of 2014 registered Malvan Police Station for offence punishable under Section 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code. By an order dated 19/1/2015 this Court (Coram : Smt. Sadhana S. Jadhav, J) had recorded the reasons for granting interim relief in favour of the applicants. This Court had observed that Sadanand Govind Chavan who is prime accused was absconding and was not traced by the police. This Court had expressed hope that the Investigating Officer would take best efforts to arrest him.

3 The learned Counsel for the applicant in Criminal ABA No. 1477 of 2014 has filed a photocopy of the remand yadi of Sadanand Govind Chavan, which shows that he was arrested on 21/1/2015. He was granted police custody till 23/1/2015. Learned Magistrate First Class, Malwan by an order dated 23/1/2015 has granted bail to the

principal accused under Section 437 of the Code of Criminal Procedure, 1973 since all offences are triable by Court of Magistrate.

4 Prima facie, it appears that the applicant in Criminal ABA No. 1441 of 2014 was a witness who identified Anandi Pundalik Kadam who was posed as sister of Sadanand Govind Chavan, whereas the applicant in Criminal ABA No. 1477 of 2014 had purchased the piece of land which was purportedly inherited by Sadanand Govind Chavan.

5 In the facts and circumstances of the present case, the applicants deserve pre-arrest bail.

6 The observations made hereinabove are prima facie in nature and the same shall not be considered while deciding an application for discharge or for quashing of FIR or at the time of trial.

7 Hence, following order is passed :

ORDER

- (i) The applications are allowed.
- (ii) In the event of arrest in Crime No. 67/2014, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station on four consecutive Sundays commencing from 22/2/2015.

8 Both the applications are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)