

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [ABA] No. 568 of 2015
[Anand Bajranglal Agarwal Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R. M. Daga, Adv., with Mr. S.S. Sitani, Adv., for the Applicant.
 Ms. N.P. Mehta, APP for respondent.
 Mr. P.S. Jaiswal, Adv., for intervener.

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CORAM : A.B. CHAUDHARI, J.

DATE : 27th November, 2015.

Heard learned counsel for the rival parties. Perused the First Information Report lodged by the applicant in June, 2015. Also perused the First Information Report lodged by the complainant. Seen the replies filed by the prosecution as well as by the complainant Parmeshwar. Heard learned Adv. Mr. Jaiswal for the complainant Parmeshwar.

It is not in dispute that the applicant as well as the complainant are related to each other. It is also not in dispute that the complainant served with the applicant for quite some time. The dispute thereafter

arose between the parties, inasmuch as the present applicant lodged a report against the complainant about misappropriation in respect of the transactions or the receipts from running of the hotel. The complaint was sent to jail after his arrest was effected and after his release from jail, he lodged the report in question with the Police Station on 7th August, 2015 in respect of the incident which allegedly took place between 21st June, 2015 and 17th July, 2015. Had the incident really taken place during the said period, the complainant was never prevented from filing an FIR from jail, and secondly, if really the incident of robbery etc., had taken place, no ordinary and prudent person would have waited for such a long time.

Be that as it may, prima facie, I find that the applicant is entitled to grant of anticipatory bail. In that view of the matter, I make the following order:-

ORDER

- [a]** Criminal Application [ABA] No. 568 of 2015 is allowed.
- [b]** Rule is made absolute in terms of the interim order dated 29th October, 2015.
- [c]** The Applicant is directed to co-operate with the Police Station Officer, and shall report to the Police Station as and when

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called by the Investigating Officer.

Judge

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