

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.67 OF 2016

Ganesh Vitthal Gaikwad	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Sandesh Shukla, Adv. a/w. Mrs. Sonali Kunekar, Adv. i/b. Vikas K. Mahangare, Adv. for the applicant.
Mr. Y.M. Nakhawa, APP for the State.
PSI Shailendra Aute, Lonand Police Station, present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.2 of 2016 registered at Lonand Police Station, Satara for offences punishable under Sections 363 and 395 of the IPC.

2. The case of the prosecution in brief is that on 1st January, 2016 at about 00.30 hrs., the applicant and another person Lakhan assaulted the complainant Amol Raskar by sticks, kicks, leather belts, etc. and caused him injuries and thereafter they took him by Scorpio Jeep No. MH-11-JH-3940 to Vathar phata to the house of one Bapurao Shinde. It is alleged that the applicant had also snatched

gold chain and cash of Rs.1,900/- from said Amol Raskar. Pursuant to which the FIR lodged by Amol Raskar, the aforesaid crime has been registered.

3. The applicant has filed an application for anticipatory bail before the Sessions Court. The same has been rejected by the Addl. Sessions Judge, Satara by order dated 4th January, 2016 and hence present application.

4. Mr. Shukla, the learned counsel for the applicant has submitted that the applicant and the complainant were good friends. There was a minor quarrel between the driver of the complainant and the applicant herein. He has further stated that they had proceeded to the house of Bapurao Shinde only to settle the dispute. He has further submitted that the applicant is not involved in committing such crime as alleged in the FIR. He has further submitted that the applicant as well as the complainant are young boys in their 20s. He has further submitted that the nature of the allegations levelled against the applicant does not justify custodial interrogation.

5. Mr. Nakhawa, the learned APP for the State has submitted

that the statements of the witnesses prima facie reveal the involvement of the applicant in the said crime. He has further submitted that the presence of the applicant is required for the purpose of recovery of Scorpio jeep and the other stolen articles.

6. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The FIR lodged by Amol Raskar prima facie indicates that on 31st December, 2015 when they had gone to one hotel Garvaheel at Kalaj, there was altercation between Vikas Bhujbal the driver of the complainant and the applicant herein. The said dispute was settled and thereafter they proceeded to their respective houses. The complainant had alleged that the applicant herein had called him on his cell phone and had abused him in filthy words. He has further stated that the complainant had proceeded to Vitthalwadi with his friends and apprised them about the threats given by the applicant. It is alleged that the applicant, Lakhan and others came by Scorpio jeep and assaulted complainant by leather belts, stone, sticks and kicks and feast blows. Thereafter they snatched the gold chain and cash of Rs.1,900/- which was in his pocket.

7. The records prima facie reveal that the applicant and complainant were known to each other. The present incident had occurred due to previous dispute between the driver of the complainant and the applicant. The nature of allegations, in my considered view, do not prima facie disclose offence under Section 363 of the IPC. Even otherwise the nature of the allegations would not justify the custodial interrogation. The applicant is a permanent resident of village Taradgaon, Tal. Phaltan, Dist. Satara and there is no possibility of the applicant absconding. It is also stated that the applicant has no criminal antecedents. The above facts justify grant of bail.

8. In the above circumstances, the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicant in Crime No.2 of 2016 registered at Lonand Police Station, Satara, the applicant shall be released on bail released on bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Phaltan.
2. The applicant shall report to investigating officer for period of 7

days from 10 am to 2 pm from the receipt of this order and further as and when required by the investigating officer for the purpose of the interrogation.

3. The applicant shall not tamper with the evidence or influence complainant and witnesses in any manner.
4. The applicant shall not leave Satara district till filing of the chargesheet without prior permission of the JMFC, Phaltan.

(ANUJA PRABHUDESSAI, J.)