

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.452 OF 2016

Manoj Ramkishor Kalwar

... Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Anil Kamble for the Applicant

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

V.I. Kale, PSI, Kolsewadi Police Station, Kalyan (E) – present

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **MARCH 29, 2016**

P.C.:

1. The applicant-accused is prosecuted for the offences punishable under sections 354, 427, 323, 341, 504 r/w 34 of the Indian Penal Code in C.R. No.I-165 of 2014 registered with Kolsewadi police station, Kalyan (East). It is the case of the prosecution that the applicant-accused is her tenant and when she asked his wife as to when they were going to vacate the premises, there was altercation between the complainant and the wife of the applicant/accused. When the complainant proceeded to police station, at that time, the applicant-accused arrived there with his associates. He opened the door of the vehicle, pulled her out and tore her shirt. At that time, the complainant lost her gold chain. Hence, the offence is registered against the applicant.

2. The learned Counsel for the applicant submitted that a cross complaint is registered against the complainant and her family members by the applicant-accused on the same day. He submitted that he has filed a civil suit against the complainant and an order of status quo in respect of the said tenanted room is passed by the civil Court.

3. Learned Prosecutor has opposed the application and submitted that the applicant-accused is facing charge under section 354 of the Indian Penal Code in two cases i.e., 139 of 2010 and 77 of 2006 which are registered at Kolsewadi police station and pending against the applicant-accused.

4. Perused the FIR and the police report. There are two cases pending against him under sections 324, 323 and 504 of the Indian Penal Code. It appears that the parties have dispute in respect of the tenanted room. I am of the view that his custodial interrogation is not required. Hence, pre-arrest bail is granted to the applicant-accused as under:

- i) In the event of arrest, the applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount;
- ii) The applicant-accused shall cooperate with the Investigating Officer and attend the concerned police station on every Monday

and Friday from 7pm to 8pm for a period of one month or till filing of chargesheet, whichever is earlier;

iii) The applicant-accused shall not tamper with the evidence or pressurise the complainant;

iv) The applicant-accused shall not indulge into any criminal activity;

v) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

vi) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

5. Anticipatory Bail Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)