

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 483 OF 2016**

Vijay Arjun Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Anilkumar K. Patil for the Applicant

Mr. D. P. Adsule, A.P.P for the Respondent-State

API Mr. Meshram from Panchavati Police Station is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 5th APRIL, 2016

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the respondent-State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R No. II-42 of 2016 registered with the Panchavati Police Station, Nashik, for the alleged offences punishable under Sections 115 and 120B of the Indian Penal Code and under Section 3 r/w 25 of the Arms Act and Section 135 of the Bombay Police Act.

3. Police Constable Sudhir Gangadhar Metkar is the first informant, who has lodged the aforesaid complaint. He has stated that on 22nd January, 2016, when he was on patrolling duty, he was informed that one person was standing suspiciously, on the road, opposite Pancham Sweets. He has stated that pursuant to the said information, he along with others went to the spot and found that one Shoaib Ansar Maniyar (juvenile accused) was standing at the said spot. He has stated that when Shoaib Maniyar started giving evasive answers, they took his personal search and found a country-made revolver, live cartridges, photograph of the present applicant and a chit containing the name of the applicant and his car number. The said Shoaib allegedly disclosed to the police, that he had received money from one Vinod Tatya alias Vinayak Chaudhari and that he was to eliminate the person in the photograph. Accordingly, the aforesaid C.R came to be lodged against Shoaib Maniyar.

4. Learned Counsel for the applicant states that the relations between Jagdish Sudam Patil and the present applicant are strained. He submitted that in fact, Jagdish Patil had lodged a case as against the present applicant, and that the Division Bench of the Aurangabad High Court has

directed that no coercive steps should be taken as against the applicant. He submits that it is the applicant, who was the intended victim.

5. Learned A.P.P opposes the bail application. He submits that during investigation, it was revealed that infact, it was the applicant, who had engaged juvenile accused-Shoaib Maniyar and handed over his own photograph, a chit and a weapon with live cartridges and had asked him to falsely disclose to the police, when apprehended, that it was Vinayak Chaudhari, who had engaged him to eliminate the present applicant. He submitted that it was the applicant, who had created this false drama, in order to falsely implicate Jagdish Patil as well as Vinayak Chaudhari. He submits that hence, the custody of the applicant is necessary. Learned A.P.P submitted that Jagdish Patil had filed a case against the applicant, alleging an offence punishable under Section 420 of the IPC, for cheating him to the tune of more than Rs. 25 lakhs. He submitted that pursuant to the same, the present applicant, very cleverly, filed a written complaint to the Inspector General of Police, Nashik Division, stating that he apprehended that Jagdish Patil and Vinayak Patil had threatened to kidnap his daughter and were demanding a sum of Rs. 25,00,000/- as extortion

money. He has also stated in the said application that the possibility of the said persons filing false cases against him, cannot be ruled out. According to the learned A.P.P, to take revenge of the complaint lodged by Jagdish Patil, alleging an offence under Section 420, the present applicant, engaged juvenile accused - Shoaib Maniyar and handed over his own photograph, a chit and a country-made pistol with live cartridges and asked him to falsely disclose to the police, that it was Vinayak Chaudhari who had engaged him to eliminate the present applicant. He submitted that infact, a phone call was also made to the police stating that there is one person suspiciously roaming around the area i.e. juvenile accused Shoaib Maniyar, so that, the said juvenile accused could be apprehended. Learned A.P.P also submits that despite the interim protection granted by this Court to the applicant vide order dated 18th March, 2016 and directing the applicant to report to the Investigating Officer on 28th, 29th and 30th March, 2016 between 10:00 a.m to 1:00 p.m, the applicant failed to do so.

6. It appears, *prima facie*, that the applicant had engaged Shoaib Maniyar (a juvenile) to falsely implicate Jagdish Patil and Vinayak Chaudhari and had given country-made pistol and live cartridges to him.

The applicant's custody is, therefore, required to find out from where the country-made revolver and live cartridges were purchased. Accordingly the application is rejected.

7. It is made clear that if an application for regular bail is filed, the learned Judge shall decide the same, on its own merits, uninfluenced by the observations made herein.

8. At this stage, learned Counsel for the applicant seeks time to surrender before the appropriate Court till Monday 11th April, 2016. The applicant to do so, after giving notice to the Investigating Officer of the date and time of surrender.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.