

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.698 OF 2017

Govardhan Sarjerao Giranje

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.R.A.Zade, Advocate, for the Applicant

Mr.S.S.Hulke, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.05.2017

P.C.

. Heard learned counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 89 of 2016 registered with the Daund Railway Police Station, Pune, for the alleged offence punishable under Section 379 of the Indian Penal Code.

3. Learned Counsel for the applicant submits that the only allegation against the applicant is that co-accused Rahul Kale who is alleged to have committed theft of a purse, had sold some gold articles therein, to the applicant. Learned Counsel for the applicant relied on the NC lodged by the applicant's son,

which is on page 21 of the application. The NC is lodged by the applicant's son against co-accused Rahul Kale. According to the NC lodged by the applicant's son, Rahul Kale had come to his residence and asked him to permit him to charge his mobile. Since Rahul Kale had consumed alcohol, the applicant's son asked him to leave, pursuant to which, Rahul Kale assaulted the applicant and the applicant's son with fist and kick blows and threatened to implicate them in a false case of stolen property.

4. Learned APP does not dispute the fact that the only allegation against the Applicant is that he has received stolen property. He also does not dispute the fact that an NC was lodged by the Applicant's son expressing an apprehension that Rahul Kale would falsely implicate the applicant and his son, in a case of stolen property.

5. Perused the papers. The alleged theft is stated to have been committed on 23rd October, 2016 by co-accused Rahul Kale. An NC was lodged by the applicant's son on 9th February, 2017 with regard to the threats given by Rahul Kale on 8th February, 2017. The NC was lodged promptly. Rahul Kale was arrested on 2nd March, 2017 in a case of theft, committed by him

in October, 2016.

6. Considering the peculiar facts and circumstances of the case, custodial interrogation of the applicant is not required. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions:-

O R D E R

- (i) In the event of arrest, the Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station as & when called for by the investigating officer;
- (iii) The Applicant shall not tamper with the or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicant to cooperate with the conduct of the trial.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)