

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1110 OF 2017**

Rahul @ Babalu Gopal Kale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Satyajee P. Dighe for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Mr. V. S. Chavan from Jath Police Station, Sangli, is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 2017

P.C.

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 27 of 2017 registered with the Jath Police Station, Sangli, for the alleged offences punishable under Sections 395, 427, 504, 506 of the Indian Penal Code and under Section 135 of the Bombay Police Act.

3. Learned Counsel for the applicant states that a false complaint has been lodged as against him and that he has been falsely implicated in the aforesaid case. He submits that the complainant belongs to the ruling party, whereas, the applicant belongs to the Congress party and that there is some dispute between them. He submitted that infact a few days prior to the incident i.e. 23rd February, 2017, an NC was lodged by Namdev Kale as against the complainant in the present C.R. He submitted that in the said incident, the present complainant had assaulted the applicant. He relied on page 24 of the application, in support of his submission. He submitted that the other accused have been granted Anticipatory Bail. He further submitted that the allegation, that the applicant removed an amount of Rs.40,000/- from the complainant's vehicle is palpably false. He submits that there are no antecedents, *qua* the present applicant.

4. Learned APP states that the Scorpio vehicle was damaged by the applicant and four others by pelting stones and as such the accused have caused damage of Rs.1 lakh. She submits that the FIR shows that the applicant and others have been specifically named by the complainant.

5. Admittedly, the complainant and the applicant belong to rival parties and that there is some dispute between them. There is an NC which is lodged on 23rd February, 2017, by Namdev Kale in which, it is specifically stated that the complainant in the present case had assaulted the applicant. It appears that the applicant has reported to the Investigating Officer as directed by this Court vide order dated 30th June, 2017. It appears that other co-accused have been granted pre-arrest bail by the trial Court. The allegations of causing damage to the car are the same even *qua* the other accused.

6. In the peculiar facts 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 and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs. 50,000/- with one or two sureties in the like amount ;

- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station on every Monday and Wednesday from 10:00 a.m. to 12:00 noon, till the filing of the charge-sheet;
 - (iii) The applicant shall not tamper the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;
 - (iv) The applicant to cooperate with the conduct of the trial.
7. The application disposed of in the aforesaid terms.
8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.