

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1746 OF 2017

Shri. Vasant Dhondiram Kolhe ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Sachin Gite for the Applicant.
Mr. Ajay Ptail, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 15th NOVEMBER, 2017

P.C.:

. The Applicant is apprehending arrest in C.R. No. 418 of 2017 registered with Upnagar Police Station, District Nashik under Sections 420, 463, 464, 471, 477, 406 of Indian Penal Code and Sections 22(1)(a) and 25 of the Arms Act.

2 The present crime is registered in pursuance of order passed under Section 156(3) by the Judicial Magistrate First Class, Nashik on a private complaint filed by the first informant Smt. Suman Nimbalkar. It is the allegation against the Applicant that by taking undue advantage of the cordial relations between the Applicant and the first informant, Applicant took Rs.4,00,000/- as hand loan from the first informant and when first informant demanded the said amount back, the Applicant threatened the first informant and her daughter of dire

consequence by pointing a fire arm at them.

3 The record indicates that the Trial Court has rejected the application only on the ground that there is allegation of use of a fire arm against the Applicant. The Trial Court in the impugned order has observed that as far as other allegations are concerned, the investigation pertaining to the same, is based on the documents. However, he has rejected the application on the ground as stated earlier.

4 Perused the record of investigation.

It appears that the investigation carried out till date reveals that, the Applicant is not in possession of any fire arm. The Applicant is a Government servant and prima facie it appears that, the allegation made by the first informant in paragraph 5 of her complaint bearing Criminal Misc. Application No. 926 of 2017 is an exaggerated version not supported by corroborative evidence.

5 In view of the above, interim relief granted by order dated 04.10.2017 is hereby confirmed.

6 Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)