

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

ANTICIPATORY BAIL APPLICATION NO.2036 OF 2018

Sagar Tukaram Yadav ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Tejas Hilage for the Applicant.

Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 4th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.261 of 2018 registered with Shivaji Nagar Police Station, District-Kolhapur, for offence punishable under Section 407 of the Indian Penal Code, 1860.

2. Heard Mr. Tejas Hilage, the learned counsel for the Applicant and Mr. Ajay Patil, the learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Ramswaroop Balaram Chandak. The FIR prima facie reveals that said Ramswaroop used to supply thread/yarn to the Applicant. The Applicant in turn used to weave the fabric and supply fabric to the first informant. The first informant has claimed that on 12th March, 2018 he had checked the fabric weaved by the Applicant and since there was no demand in the market, he had requested the Applicant to keep the same in his godown. The first informant claims that he subsequently requested the Applicant to handover the said fabric to him, however, the Applicant avoided to return the fabric. The first informant thereafter learnt that the Applicant had sold the said fabric to a third party.

4. It is to be noted that there is considerable delay in lodging the FIR. Prima facie there are no justifiable reasons to explain the delay. It is also to be noted that the Applicant had also lodged a prior complaint against the first informant wherein the Applicant had alleged that he had taken loan of Rs.2,00,000/- from the first informant and that despite repaying the loan, the first informant was demanding Rs.1,18,000/- towards interest on the said hand loan.

5. The records thus prima facie indicate that there has been some rivalry between the Applicant and the first informant over their business dealings. Considering the above facts and particularly the nature of allegations, levelled by both the parties against each other, in my considered view, this is not a case which would justify custodial interrogation. The Applicant has no criminal antecedents. Furthermore he is a permanent resident of Chandur, District-Hatkanangale, hence, there are no chances of his absconding or thwarting the course of justice. Hence, the following order:-

(i) The application is allowed.

(ii) In the event of arrest of the Applicant in C.R. No.261 of 2018 registered with Shivaji Nagar Police Station, District-Kolhapur, the Applicant be released on bail on furnishing bail bonds of Rs.25,000/- with one or two solvent sureties in the like amount.

(iii) The Applicant shall report to the concerned police station for a period of four days from 8th October, 2018 between 11.00 to 2.00 p.m. and thereafter as and when required and called by the concerned Investigation Officer.

- (iv) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned Investigation Officer.
- (v) The Applicant shall not change his residential address without prior intimation to the concerned Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)