

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

ANTICIPATORY BAIL APPLICATION NO. 2312 OF 2018

Pravin Bajirao Jagtap	Applicant.
Vs.	
The State of Maharashtra	Respondent.

Mr. V.R. Gaikwad for the Applicant.
Mr. N.B. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 4th DECEMBER, 2018.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 661 of 2018 dated 29th August, 2018 registered with Karad City Police Station, District Satara under Section 392 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record.

3 The first information report is lodged by Shri. Pratap Mane. It is the allegation against the Applicant that, the Applicant had taken Rs.15 lakhs by way of hand loan from the informant for his business purpose, however, did not return the said amount despite repeated request by the informant. That on 28th August, 2018, at about 8.30 p.m. the informant had been to the house of the Applicant

for settling the accounts, when an altercation took place which ensued in a tiff. That, in the said quarrel, it is alleged that, the Applicant snatched a chain made up of gold metal from the person of the first informant. In the premise, the present crime is registered.

5 The record indicates that, the Applicant has also lodged a Crime bearing No. 660 of 2018 on 29th August, 2018, registered with Karad City Police Station under Section 395 and 510 of the Indian Penal Code, arising out of the same incident, wherein the factum of negotiations on the date of the incident has been admitted. The Applicant has also alleged that, the first informant in the present crime, namely Mr. Pratap Mane along with 3 other accused persons, have committed robbery of the gold chain and Mangalsutra from the person of his wife.

It is, thus, clear that, there is a case and cross-case arising out of the same incident. As noted earlier, the incidents in both the crimes in question, have allegedly taken place when the Applicant and the first informant Mr. Pratap Mane, were negotiating to settle their monetary dispute at the residential premises of the Applicant herein.

6 After taking into consideration the peculiar facts involved in the present case, this Court is of the considered view that, the

custodial interrogation of the Applicant for further investigation of the present crime is not necessary and the Applicant can be protected by pre-arrest bail.

Hence, the following order-

- a) In the event of arrest in C.R. No. 661 of 2018 dated 29th August, 2018 registered with Karad City Police Station, District Satara, the Applicant shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) The Applicant shall attend the Investigating Officer from 11th December, 2018 to 14th December, 2018 between 10.00 a.m. to 2.00 p.m. and to co-operate in the process of investigation.
- b) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

7 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)