

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

ANTICIPATORY BAIL APPLICATION NO.71 OF 2018

Mr. Raviraj Krishna Aiwale		Applicant
<u>Vs.</u>		
The State of Maharashtra		Respondent

Mr. Kuldeep U. Nikam for the Applicant.
Mr. Ajay Patil APP for the State.

Coram : **Smt. Sadhana S. Jadhav, J.**
Date : **16th January 2018**

P.C.:

1 Heard the learned counsel for the applicant and the
learned APP

2 This is an application under Section 438 Code of Criminal
Procedure. The applicant herein is apprehending his arrest in Crime
No.284 of 2017, registered at Jaysingpur Police Station, District
Kolhapur, for the offences punishable under Sections 384, 504 and
506 read with 34 Indian Penal Code.

3 It is the case of the prosecution that on 24th November
2017, wife of the present applicant had lodged a report at Jaysingpur
police station against Biru Aiware, Datta Aiware, Vasant Hatekar,

Sharda Hatekar and Lakhan Hatekar and others for the offences punishable under Sections 143, 149, 354, 323, 504 and 506 of Indian Penal Code.

4 On 30th November 2017, Datta Ananda Aiwale, who happens to be an accused in Crime No. 281 of 2017, lodged a report at the police station alleging therein that on 29th November 2017, he alongwith his nephew Lakhan were proceeding to village Nagaj. On the way, they saw the applicant and his wife proceeding in the same direction in their four wheeler Indica Car. It is alleged that the applicant and his wife had waived at the complainant and asked him to stop. The complainant and his wife had obliged. The applicant is alleged to have told the complainant that his wife would withdraw the cases provided he gives an amount of Rs.10,000/- to them immediately. The complainant had called upon his relatives and had borrowed an amount of Rs.10,000/-, which was paid to the applicant. On the basis of the said report, Crime No. 284 of 2017 is registered against the applicant and his wife.

5 The wife of the applicant has been granted pre-arrest bail by the Sessions Court on 28th December 2017. Learned counsel for the applicant submits that the applicant happens to be an editor of daily "Apratim". That since his wife had filed a report against the complainant, the applicant has been falsely implicated to wreck

vengeance and to satisfy his vendetta. Be that as it may, upon perusal of the papers of investigation, it cannot be said that after registration of Crime No. 281 of 2017, the applicant and his wife would offer Rs.10,000/- for withdrawal of the said report.

6 Learned counsel for the applicant submits that in case the said demand was made prior to registration of the offence, it would be another thing. That according to the learned counsel for the applicant, it is apparent on the face of the record that the applicant has been falsely implicated. Taking into consideration the records of the case and the submissions advanced across the bar, this court is of the opinion that the applicant has made out a case for grant of pre-arrest bail

7 The observations made hereinabove are prima facie in nature and are restricted to the application under Section 438 Cr.P.C. and the trial court shall not be influenced by the same. Hence, the order.

ORDER

1 The application is allowed.

2 In the event of arrest in Crime No. 284 of 2017, registered at Jaysingpur Police Station, District Kolhapur, the applicant be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- with one or more solvent sureties in the like amount.

3 The applicant shall report to the concerned police station from 19th January 2018 to 23rd January 2018 everyday between 10.30 am. to 12.00 noon and co-operate the investigating agency to the best of his capacity.

The application is accordingly disposed of.

(*Smt. Sadhana S. Jadhav, J*)