

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

ANTICIPATORY BAIL APPLICATION NO.75 OF 2018

Mr. Manna Mansur Patel & Ors. Applicants
Vs.
The State of Maharashtra Respondent

Mr. Shantanu Rajendra Phanse for the Applicants.
Mr. S.H. Yadav APP for the State.
Ms. Seema S. Mundhe, PSI, Khargaon Police Station.

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

P.C.:

1 Heard the learned counsel for the applicants and the learned APP.

2 This is an application under Section 438 Code of Criminal Procedure. The applicants herein are apprehending their arrest in Crime No.471 of 2017, registered at Kharghar Police Station, on 25th December, 2017, for the offences punishable under Sections 392, 324, 323, 504, 427 read with 34 Indian Penal Code.

3 It is the case of the prosecution that on 25th December 2017, one Ganesh Gowardhan Savardekar lodged a report at the

Police Station alleging therein that on 24h December 2017, he was passing through Kharghar-Taloja road on his motorcycle alongwith his son Kalpesh, suddenly one unknown boy, aged about 14-15 years had come from opposite direction on a motorcycle and banged into the motorcycle of the complainant. Some damage was caused to the headlight of the motorcycle of the complainant. The said person had called upon his relatives, who had come to the scene of offence and had raised the quarrel with the complainant. They had claimed damages caused to the motorcycle of the said unknown person. That he was forcibly taken to nearby ATM and coerced to withdraw the amount for the purpose of compensation. The complainant had smartly typed a wrong password and therefore no amount could be withdrawn. According to the complainant, the said person had snatched Rs.15,000/- from his pocket and hence the F.I.R.

4 Upon perusal of the papers of investigation, it is clear that it was merely an accident, as the person who was driving the motorcycle was a minor. Applicant no.1 is the father of the minor, who had dashed his motorcycle with the motorcycle of the complainant and the applicant nos. 2, 3 and 4 are working with applicant no.1. Upon perusal of the papers of investigation, it is clear that the incident had occurred on the spur of moment. In the said altercation, the applicants were demanding compensation towards the damage caused to their motorcycle.

5 Learned APP submits that the custody of the applicants is necessary for recovering an amount of Rs.15,000/-. There is nothing on record to indicate that the complainant was carrying Rs.15,000/- or else, he would not be taken to ATM by the applicants. Be that as it may be, in the facts of the case, the applicants deserve pre-arrest bail.

6 The observations made hereinabove are prima facie in nature and are restricted to the application under Section 438 Cr.P.C. and shall not be considered for the purpose of quashing of F.I.R., discharge application or at the time of trial. Hence, the order:

ORDER

1 The application is allowed.

2 In the event of arrest in Crime No.471 of 2017, registered at Kharghar Police Station, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.25,000/- each with one or more solvent sureties in the like amount.

3 The applicants 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 with the investigating agency.

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