

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

ANTICIPATORY BAIL APPLICATION NO.1370 OF 2017

Ganesh Balasaheb Barve & Anr. Applicants

Vs.

The State of Maharashtra Respondent

Mr. Sanjay Sawant I/by Mr. Samir M. Suryawanshi for the Applicants.

Mr. S.R. Agarkar APP for the State.

Mr. D.N. Dhadvad, Havaldar, Ghodegaon Police Station, Pune Gramin.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 29th June, 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.158 of 2017, registered at Ghodegaon Police Station, District Pune for the offences punishable under Sections 384 and 506 read with 34 of Indian Penal Code.

3 It is the case of the prosecution that in July 2016, Nanasaheb Shripati Barve was the President of (Grievance Redressal Forum) Tanta Mukti Samiti. It is alleged that the present applicants were seeking information regarding the duties of Gramsevak, Shri. Shrikrishna Bhende. The villagers were aggrieved by the same and thereafter a report was lodged against the present applicants stating therein that they had attempted to extort money.

4 According to the learned counsel, the father of applicant no.1 had sold land survey no. 324/A to Sadashiv Baban Vayal vide registered sale-deed. The same was sold to the father of applicant no.1 and the father of applicant no.1 was cheated, in respect of which he had filed a complaint. That upon perusal of the F.I.R. and the papers of investigation, it can be said that the applicants have made out the case for grant of pre-arrest bail.

5 However, the observations are restricted to application under Section 438 of the Code of Criminal Procedure, 1973 and shall

not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial. Hence, the following order is passed :

ORDER

- i) The application is allowed.
- ii) In the event of arrest, the applicants be enlarged on bail on furnishing P.R. bonds in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.
- iii) The applicants shall report to the concerned police station as and when called by Police.

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