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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1786 OF 2017

Rahul @ Pushkaraj Jaganath Aparadh & Ors. ... Applicants
Vs.
The State of Maharashtra ... Respondent

Mr. Anand Shivaji Patil, for the Applicants.

Ms. Veera Shinde, APP for the Respondent – State.

CORAM : P. N. DESHMUKH, J.

DATE : MARCH 14, 2018

PC :-

1. Heard learned counsel for Applicants and learned Additional Public Prosecutor and perused case diary. Applicants are protected by interim order of this Court dated 10th October, 2017, which is in force.

2. Learned counsel for Applicants submitted that Applicant Nos. 1 and 2 are real brothers and Applicant No. 3 is their friend. They are involved in the present crime on the basis of report lodged on 6th September, 2017 by complainant, alleging that one day prior to that date at 10.45 p.m. during Ganpati immersion, some quarrel took place between applicants and Balasaheb, husband of Kalpana, and therefore, apprehending that Balasaheb may file report in respect of said

incident, false report is lodged against Applicants on 6.9.2017. It is submitted that relations between complainant, her brother Kapil as well as Applicants are strained, and as such, false report came to be lodged. Complainant had thereafter filed an affidavit before the Trial Court stating on oath that she had filed false report. It is therefore, prayed that interim protection granted to Applicants be confirmed by imposing suitable directions.

3. Learned APP submits that investigation is in progress. Learned APP makes a statement that in compliance to interim order, Applicants have attended police station and are cooperating investigating officer. In the report lodged by Shital Raut it is alleged that in the night of 5.9.2017 Applicant Nos. 1 and 2 entered in her house with weapons like knife and lathis in their hands and extended threats to her brother Kapil. In the course of same transaction, they snatched necklace (Mangalsutra). On 22.9.2017 complainant had sworn affidavit stating that on 5.9.2017 some unknown persons entered her house and extended threats to Kapil. She has further stated that her necklace / Mangalsutra was not snatched by anyone but same is found in her house itself. Considering contents of report as well as affidavit, it is to be noted that false report came to be lodged against Applicants, as has been mentioned in said affidavit.

4. So far as statement of Kalpana Bhurke is concerned, though said statement corroborates part of the report about Applicants after entering into the house of complainant, who had also gone in the

house of Kalpana, having armed with weapons and have extended threats. Said contents appear to have been stated so in her statement dated 22.9.2017, having apprehension of Applicant Rahul lodging report against her husband Balasaheb with whom they had quarrel on 5.9.2017 at the time of Ganpati immersion.

5. Considering the facts involved in the application as aforesaid, and as Applicants are stated to have attended Investigating Officer while they are on interim bail, application is liable to be allowed. In the circumstances, following order is passed:

- (i) Interim order in force stands confirmed. However, Applicants shall attend Juna Rajwada Police Station, Kolhapur as and when called till filing of charge-sheet;
- (ii) Application is disposed of in the aforesaid terms.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath