

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

ANTICIPATORY BAIL APPLICATION No. 1842 of 2017.

Shri Datta Bajara Bavale	..Applicant.
Vs	
State of Maharashtra	..Respondent.

Mr. Sachin B. Thorat, Adv. for the applicant.
Mr. N.B. Patil, APP for the State.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATE : 19TH SEPTEMBER, 2018**

P.C:-

1) This is an application under Section 438 of Criminal Procedure Code for pre-arrest bail, filed by the aforesaid applicant who is apprehending arrest in C.R.No. 434 of 2017 registered at Shikhrapur Police Station, for an offence punishable under Section 394 read with section 34 of Indian Penal Code.

2) Heard Mr. Sachin Thorat, learned counsel for the applicant and Mr. Patil, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3) The aforesaid crime was registered pursuant to the first information report lodged by Shivaji Sitaram Thite. A

perusal of the first information report prima facie reveals that the first informant had sold sugarcane to the applicant. The applicant had paid to the first informant part amount towards purchase price of the sugarcane and an amount of Rs.33,500/- was due. On 4th September, 2017 at about 11:15 a.m. the applicant called the first informant at Vadgaon Ghenand and paid to him Rs.25,000/-.

4) The first informant claims that when he had reached near the petrol pump at Shelgaon he saw the car of the first informant proceeding towards Kendur village. At about 0:15 hours when he reached near a banian tree by the road leading to Kanifnath temple, Shelgaon, three persons with their faces covered with masks came on a motorcycle and stopped his motorcycle. The said three persons assaulted him and took away the cash of Rs.25,000/-. The first informant suspected that the said three persons had committed the said crime at the instance of the applicant.

5) It may be mentioned here that apart from suspicion, there is no other prima facie material to show the involvement of the applicant in commission of the said crime. The record reveals that the applicant was granted interim bail on 13th

October, 2017. It is stated that the applicant has reported to the Investigating Officer as per the conditions imposed while granting interim bail. His presence is no longer required for the purpose of interrogation or investigation. The applicant is a permanent resident of the State and there is no possibility of the applicant absconding. The applicant has no criminal antecedents.

6) Considering the above facts, so also considering the nature of allegations, in my considered view, this is not a case which would justify custodial interrogation. Hence, the following order:-

(i) Application is allowed.

(ii) In the event of arrest in C.R. No. 434 of 2017 registered at Shikhrapur Police Station, Pune City, the applicant be released on bail on his furnishing bail bonds of Rs. 25,000/- with one or two solvent sureties in the like amount to the satisfaction of the concerned Investigating Officer.

(iii) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.

(iv) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

7) The application is disposed of in the above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

Radhakishan
Shivlal
Ladda

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by Radhakishan
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