

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1506 OF 2019

Pramod Sadanand Lad] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Ganesh Bhujbal, Advocate for the Applicant.
Mr. Rajan Salvi, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 11th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.34/2019 registered with Devgad Police Station, District Sindhudurg u/sec. 452, 454, 457, 380, 504 r/w 34 of I.P.C.

2. The FIR is lodged by one Sanika Malavade on 05/06/2019 at 6.00 p.m. She has stated in her FIR that she was residing with her husband and other family members at Talebazar S.T. Depot. Her husband was having his business in House No.540. He was carrying business of Bakery. On 03/06/2019, the informant's husband was not well, therefore she and her husband went to their house at Talebazar, Sai Nagar and stayed over night. On the next day i.e. on 04/06/2019

at around 7.00 a.m., her husband received a phone call from his partner Saiju Tipi mentioning that the present applicant and others had encroached upon their house. The first informant and her husband immediately went to their house at Talebazar S.T. Depot. It is her case that, they found that the property belonging to the first informant i.e. her customers' clothes and her cash of Rs.2,000/- were missing. The first informant was carrying on her own small business of tailoring. It is further her case that, the present applicant and others started assaulting her husband. Thereafter, she lodged her N.C. Report in respect of that incident. It is her case that even in the evening of 04/06/2019, the present applicant abused the first informant and her husband. Based on these allegations, the FIR is lodged.

3. Heard Mr. Ganesh Bhujbal, Ld. Counsel for the Applicant and Mr. Rajan Salvi, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant, invited my attention to the non-cognizable case registered at the instance of first informant Sanika. The N.C. Report was lodged at Devgad Police Station on 04/06/2019

at 12.33 a.m. It was in respect of the same incident which is the subject matter of the FIR. In the said non-cognizable case she had merely mentioned that at 7.30 a.m. on that day, brother of the present applicant had gone to the first informant's house and abused her husband and threatened him. Beyond that there is no mention of any incident of theft. The name of the present applicant is also not mentioned in respect of that incident. He therefore submitted that, the FIR is not correct on facts.

5. Ld. APP opposed this application and submitted that custodial interrogation of the applicant is necessary.

6. Having considered the N.C. Report lodged by the first informant, it is clear that, she was referring to the same incident which had taken place allegedly at 7.00 a.m. on 04/06/2019. When she had described that incident in her N.C. complaint, the first informant had not made any reference to the applicant's name, neither there was any reference of theft having been committed. The FIR is lodged belatedly on the evening of the next day. It appears that the FIR has been lodged as an after thought to implicate the present applicant and his family

members. The allegations of theft are added subsequently. In this view of the matter, the applicant has made out a case of anticipatory bail. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.34/2019 registered with Devgad Police Station, District Sindhudurg, the Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)