

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.193 OF 2019

Sachin Bhaskar Jore] ... Applicant

Versus

1. The State of Maharashtra]
 2. Ashwin Harish Wadhiya] ... Respondents

Mr. Uday Warunjikar i/b Mr. Nitesh Bhutekar, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for State/Respondent.

Mr. B.G. Ligade, Advocate for the Intervener.

PSI Mr. Navnath Kudale attached to Dehuroad Police Station present.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.588/2018 registered with Dehuroad Police Station, Pune Rural u/sec. 452, 380 r/w 34 of I.P.C.

2. The FIR is lodged at the instance of one Ashwin Wadhiya on 30/10/2018 at 6.40 p.m. He has stated in his FIR that, the present applicant was an Advocate and was handling informant's legal matters since about 4 years prior to registration of FIR. The informant has

mentioned that, he has cleared the applicant's professional fees from time to time. The FIR further mentions that, on 29/10/2018, at about 8.00 p.m., his partner Sunil Kolekar called him telephonically and told him that, the present applicant was removing articles from his office. The informant went to his office. At that time, he met his peon Ramesh. Ramesh told him that, the present applicant and his car driver Pravin Tambhat came to informant's office and took away one Air Conditioner, Inverter, Laptop, DVR Machine, Samsung Television. Based on these allegations, the FIR is lodged.

3. Heard Mr. Uday Warunjikar, Ld. Counsel for the Applicant, Ms.S.S. Kaushik, Ld. APP for State/Respondent and Mr. B.G. Ligade, Ld. Counsel for the Intervener.

4. On the previous occasion, a statement was made that, there was CCTV footage and the acts of the applicant were captured in the CCTV footage. Eventually that statement was found to be incorrect. Ld. APP has filed affidavit explaining under what circumstances that statement was made. The affidavit is taken on record.

5. Mr. Warunjikar submitted that, the present applicant was working for the informant and was looking after his legal matters. He submitted that, therefore it was not unusual for the applicant to visit the informant's office. What was unusual was the conduct of the office boy Ramesh and other person from the office who had not informed the informant immediately when the incident of theft had allegedly occurred. He submitted that, on that day itself the applicant had appeared for the LLM examination and it would not have been possible for him to commit this offence.

6. Ld. Counsel for the Intervener submitted that, there are some photographs annexed to his Intervention Application which show that the applicant was taking away articles from the informant's office.

7. Ld. APP produced before me the papers of investigation carried out so far. She relied on the statement of the office boy Ramesh.

8. I have considered all these submissions. The photographs attached to the Intervention Application are not in respect of any of the articles mentioned in the FIR. These photographs show some

photocopy machine near the applicant. Though the informant claims that, the photographs was taken at the same place at the same time. It is not clear under what circumstances and by whom these photos were taken. There were no CCTV footage. Therefore, at this stage, except the statement of office boy Ramesh there is nothing in the entire investigation to substantiate the claim of the first informant. The conduct of this witness Ramesh is very unnatural. If the applicant was taking away all these articles without permission, he should have immediately informed to the first informant. But he had not informed him till the informant came to the office. The contention that, all these articles were taken away in a small car is not believable. Even, at this stage the applicant has created sufficient doubt about the genuineness of the story of the first informant. There is a strong possibility that, the applicant is falsely implicated because of the disputes. In this situation, if the interim protection is denied, it will cause irreparable harm to the applicant. In this view of the matter, I am inclined to grant anticipatory bail to the applicant. Hence, the following order.

ORDER

1. In the event of his arrest in connection with C.R.No.588/2018 registered with Dehuroad Police Station, Pune Rural, the Applicant is directed to 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.)