

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 784 OF 2019****ABHISHEK KAMLESH DUBEY****.....APPLICANT****Vs.****THE STATE OF MAHARASHTRA
& ANR.****.....RESPONDENTS**

Mr. Madhukar Dalvi for the Applicant.

Mr. Amit Palkar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 4th APRIL, 2019.****P.C.:-**

The Applicant is apprehending arrest in CR No. I-500 of 2018 dated 25th November, 2018 registered with Mahatma Phule Chowk Police Station, Kalyan, District Thane under Sections 420, 406, 506 of the Indian Penal Code.

2 Heard the learned counsel for the Applicant and the learned APP. Perused the record.

The first information report is lodged by the brother-in-law of the Applicant alleging that, a CIAZ VXi car of Maruti Suzuki Company bearing No.MH-05 - DE-0873 was given by the informant to the Applicant for his use for a short period. However, subsequently,

the Applicant refused to handover the possession of the said vehicle and claimed that, the said car has been given to him as and by way of gift in marriage of the sister of the first informant, who is wife of the Applicant.

3 The record indicates that, in persuasion of deliberation which took place on earlier date of hearing, the Applicant has handed over the possession of the said car to the Investigating Officer. The Investigating Officer has drawn a detailed panchanama to that effect. The prosecution is seeking custody of the Applicant for recovery of the said car.

4 After taking into consideration the close relations between the Applicant and the first informant, so also the fact that the Applicant has handed over the said vehicle to the police, the custodial interrogation of the Applicant for further investigation of the present crime is not necessary and the Applicant can be protected by pre-arrest bail.

Hence, the following order-

- a) In the event of arrest in CR No. I-500 of 2018 dated 25th November, 2018 registered with Mahatma Phule Chowk Police Station, Kalyan, District Thane,

the Applicant shall be released on bail on his furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.

- b) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- c) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)