

HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 966 OF 2019

Raju Sandip Pardeshi and Anr. ... Applicants
Versus
The State of Maharashtra ... Respondent

Mr. Rahul K. Dhaygude, Advocate for the Applicants.
Mr. S.H. Yadav, APP for the State/Respondent.
Mr. A. S. Kashid, ASI, Mahabaleshwar Police Station, Dist. Statara

CORAM :- SARANG V. KOTWAL, J.
DATE :- 8th July, 2019.

P. C. :-

1. The applicants are seeking anticipatory bail in connection with CR No. 13/19 registered with Mahabaleshwar Police Station under Sections 427, 454, 457, 380 read with 34 of the IPC. The FIR is lodged by the one Ranjit Tambe on 18th February 2019.

2. In the FIR, he has given history of litigation between the applicants and first informant. He was occupying a shop at Mahabaleshwar admeasuring 4x10 sq.feet belonging to the applicant no. 1. It was originally owned by the father of applicant no. 1. After the applicant no. 1's father had asked the first informant to raise the rent from Rs. 1000/-per month to Rs. 5000/- per month, against such increase in the rent, the first informant had filed civil suit no. 24/16 before Civil Judge at Mahabaleshwar. Since then

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there was enmity between the first informant and present applicants.

3. It is the case in the FIR that, on 14th February 2019 he had closed his shop at 9.30 p.m. When he opened it on the next day, he found that his goods were stolen and cash in the cash counter was also taken away. The locks were broken and there was damage to his shop. The first informant was making inquiries in respect of that incident.

4. It is his case that on 17th February 2019, the applicant no. 1's sister Priti told him that if the outstanding rent amount was deposited by him then, the first informant would get his stolen goods back. Because of this statement, the first informant was convinced that the present applicants and Priti had committed this offence and therefore he lodged this FIR is lodged on 18th February 2019. Applicant no. 1 is brother and applicant no. 2 is husband of Priti.

5. Heard Mr. Dhaygude, learned counsel for the applicants and Mr. Yadav, learned APP for the State.

6. Mr. Dhaygude submitted that because of enmity between the parties, applicants are falsely implicated. The other accused Priti is already granted anticipatory bail on the ground that she is a lady. He further submitted that the first informant did not lodge FIR immediately. The delay is not explained. As against this, the learned APP pointed out the investigation carried out so far. The investigation papers include statement of one Vilas

Kale, who was knowing the first informant. He has stated in his statement recorded on 4th March 2019, that the applicant no. 1 told him that, if the first informant withdrew his complaint and if the first informant vacated his shop, then he would get his stolen goods back. Apart from that there is nothing much in the investigation papers to indicate the involvement of the present applicants.

7. From the FIR and the statement of witness Kale, the investigating agency is seeking custody of the present applicants. It is an admitted fact that litigation is pending between the first informant and the applicant no.1. Therefore, obviously the first informant is holding grudge against the applicants. In this background, it is rather difficult to believe that either the applicant himself or his sister would tell the first informant and his friend that they had committed this offence. Considering these aspects in the background of the litigation, Mr. Dhaygude's submission that the present applicants are falsely implicated, has same force. However, the investigation needs to be carried out, but custodial interrogation of the present applicants is not necessary. Instead they can be directed to attend the police station and to co-operate with the investigation. Hence, the order:-

ORDER

(i) In the event of their arrest in connection with C.R. No.13/19 registered with Mahabaleshwar Police Station under Sections 427, 454, 457,

380 read with 34 of the IPC, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

(ii) The Applicants shall attend the concerned Police Station from 15th July 2019 till 19th July 2019 between 03.00 to 05.00 p.m. and shall cooperate with the investigation.

(iv) Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)