

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

ANTICIPATORY BAIL APPLICATION NO. 1026 OF 2019

Jyoti Dnyandev Sabale and Ors.

...Applicants

Vs.

State of Maharashtra

...Respondent

- Mr. Kuldeep Patil i/b Mr. Tushar N. Sonawane, Advocate for the Applicants.
- Mr. S. H. Yadav, APP for the State.
- Mr. Prakash G. Mane, HC-833, Walchandnagar Police Station, Pune.

CORAM : SARANG V. KOTWAL, J.

DATE : 7th AUGUST, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with CR No. 204/18 registered at Walchandnagar Police Station, Pune under Sections 394, 342, 452 read with 34 of the IPC.

2. The FIR is lodged on 28th June 2018 by one Manisha Sable. She has stated in her FIR that on 27th June 2018 at about 8.00 p.m. when she was present in her house alongwith her sister-in-law and mother-in-law, the present applicant nos. 1 and 2 alongwith one Sheetal Sable entered their house. They started abusing and threatening the first informant and others. The

applicant no. 2 assaulted her and others with kicks and fist blows. Sheetal Sabale removed a golden chain weighing two tolas worn by the first informant and applicant no. 2 took Rupees Fifteen Thousand which were kept on table. At that time, applicant no. 3 came there and gave a blow with iron rod on the leg of the first informant. Thereafter, all of them went away by closing the door from outside. At 11.30 a.m., informant's niece Seema opened the door and thereafter this FIR was lodged.

3. Heard, Mr. Kuldeep Patil, learned counsel for the applicants and Mr. Yadav, learned APP for the State.

4. Mr. Patil, learned counsel for the applicants submitted that the applicant no. 2's wife Sheetal had lodged her FIR on 27th June 2018 under Section 394 read with section 34 of the IPC at Walchandnagar Police Station on the allegation that the first informant in CR No. 204/18, Manisha Sable alongwith one Tanaji Sabale assaulted her. One Sakhubai Sabale removed Sheetal's mangalsutra. Tanaji removed her mobile phone and gave it to Manisha. Mr. Patil, therefore, submitted that as a counter-blast to this FIR, the present FIR is lodged against the present applicants.

He further submitted that, in any case, no role is attributed to the applicant no. 3 of removing cash or golden chain. The golden chain was allegedly removed by Sheetal Sabale. She was arrested and subsequently was released on bail. No major role is attributed to the present applicants.

5. Learned APP submitted that the golden chain and cash is yet to be recovered.

6. I have considered these submissions. There is considerable force in the submissions of learned counsel for the applicants that the present FIR against the applicants is lodged as a counter-blast to the FIR lodged by the applicant no. 2's wife on the earlier day. There were similar allegations in that FIR of removing her mangalsutra forcefully and taking it away.

7. Considering the previous enmity, the possibility of false implication even at this stage cannot be ruled out. Taking into consideration that the main accused Sheetal Sabale, who is alleged to have taken away the golden chain, is already granted bail; I am inclined to grant anticipatory bail to the applicants, though they will have to co-operate with the investigation and attend the police

station. Hence, the following order:-

ORDER

(I) In the event of their arrest in connection with C.R. No. 204/18 registered at Walchandnagar Police Station, Pune, 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) Applicants shall attend the concerned police station as and when called and shall co-operate with the investigation.

(iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)