

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

ANTICIPATORY BAIL APPLICATION NO.1293 OF 2019

Sagar Bharat Shinde

.... Applicant

versus

The State of Maharashtra

.... Respondent

- Mr. Pranav P. Pokale I/b. Prasad Gawade, Advocate for Applicant.
- Ms. S. S. Kaushik, APP for the State/Respondent.
- Ms. Shubhangi Kate, PSI, Ranjangaon Police Station present.

CORAM : SARANG V. KOTWAL, J.

DATE : 12th JULY, 2019

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No.04/2018 registered with Ranjangaon Police Station, Pune under Section 306, 323, 506 and 504 r/w. 34 of IPC.

2. The FIR is lodged by one Kavita Jadhav on 10/1/2018. According to her, her husband Taresh was earlier working as a driver with the present applicant. Subsequently, he left the job because the salary was less. Thereafter, he joined one Kale as a

driver. The present applicant allegedly got annoyed with him and was demanding Rs.12,000/- which he had given to Taresh. It is further mentioned in the FIR, that, on 15/11/2017, at the instance of the present applicant, Taresh's motorcycle was taken away by one Ravi Rathod. Taresh was told to pay amount of Rs.12,000/- to the present applicant. Thereafter, on the same night Taresh and informant's brother Nitin went to the present applicant. There the present applicant and others assaulted both of them. They assaulted Taresh with kicks and fist blows and thereafter returned his motorcycle. He was told to make the payment of amount of Rs.12,000/-. On the next day, Taresh and his wife i.e. first informant went to the Police Station at Shirur. There the present applicant and Genubhau Kale i.e. Taresh's employer came to Police Station. Present applicant apologized and told Taresh that he would not be troubled again. Because of such assurance, without giving any complaint, Taresh came back. Thereafter, Taresh told the first informant and her brother Nitin that the applicant had already harassed him a lot and therefore he did not want to live. On 17/11/2017, the informant's husband Taresh consumed

poison. He called first informant and told her because of harassment caused by the applicant and others he was taking such extreme step. The first informant searched for him and after he was found; he was removed to hospital. Taresh survived for four more days and died on 22/11/2017. Thereafter, the FIR was lodged on 10/1/2018.

3. Heard Mr. Pokale, Ld. Counsel for the applicant and Ms. Kaushik, Ld. APP for the State.

4. Ld. Counsel for the applicant submitted that there was gross delay in lodging the FIR. The FIR is lodged as an after thought only to implicate the applicant falsely. The FIR is based on suspicion because of earlier dispute. He further submitted that his application for anticipatory bail was rejected by the Court of Sessions, Pune on 5/3/2018 and even thereafter the police did not call him for investigation neither have they arrested him. The applicant recently started getting calls from the Police Station. Therefore, he filed present application for anticipatory bail before

this Court on 30/4/2019. Even thereafter there was no interim protection in his favour, but the police did not choose to arrest him. He submitted that the present applicant was very much present at his workplace during this period. He submitted that there is no necessity of custodial interrogation.

5. Ld. APP submitted that the offence is serious and there are direct allegations against the present applicant. However, she could not explain as to why the applicant could not be arrested for a long period of time. It is not the case of the investigating agency that the applicant was absconding. Considering the statements in the FIR, it is clear that whatever was the dispute between the deceased and the present applicant; it was settled on 16/11/2017, when the deceased had gone to the Police Station and applicant had apologized for his acts. At that point of time the applicant assured him that there would be no further trouble on his part. The applicant had never tried to approach the deceased after that. Suddenly on 17/11/2017 the deceased consumed poison. Therefore, at this stage, it is difficult to attribute the offence as

contemplated under Section 107 of IPC to the present applicant particularly in view of the fact that the dispute was settled on earlier date as is mentioned in the FIR.

6. After the deceased had consumed poison on 17/11/2017 and after he had died on 22/11/2017, the FIR was lodged only on 10/1/2018. This delay in lodging FIR indicates that the FIR could be an after thought on the part of the first informant and there is strong possibility that the applicant's name is involved because of previous dispute between him and the deceased. In spite of there being no interim protection or protection of anticipatory bail granted in his favour by any competent Court, police machinery were never chose to arrest him for more than one year. In this view of the matter custodial interrogation of the applicant is not necessary. He will have to co-operate with the investigation though. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.4/2018 registered with Ranjangaon Police Station, the Applicant is directed to be released

on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station from 22/7/2019 to 25/7/2019 between 03.00 to 05.00 p.m. and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)