

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

ANTICIPATORY BAIL APPLICATION NO. 2052 OF 2019

Mr. Kiran Rambhaji Ghare	 Applicant
Versus	
The State of Maharashtra	 Respondent

Ms. Saima A. Sothe, Advocate for Applicant.
Smt. A. A. Takalkar, APP for the State/Respondent.
Mr. N. D. Gunjal, PC-363, Chakan Police Station, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th SEPTEMBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 1133 of 2019 registered with Chakan Police Station, Pune, under sections 452, 363 and 354(1) r/w. 34 of the Indian Penal Code.
2. The FIR is lodged by the victim. She has stated in her FIR that she was 18 years of age. She had lost her father in the year 2015 and she was residing with her mother and aunt. She has mentioned in her FIR that the incident had occurred on

19/08/2019. The victim was alone in the house. In the evening at 6.45p.m. three persons knocked her door, they were unknown persons. They forcefully took her in a Fortuner car. There was one more person inside the car. They took her in the car on the pretext that they would be taking her to her mother. It is further alleged that they forcefully took the car outside of Swapna nagri, on Pune Nashik road. On the way, she saw her mother and aunt, but they did not stop the car in spite of her request. She was taken near Payas High School. That time she was forced to sign on two documents and her signatures were obtained on 5 to 6 blank vouchers. Thereafter she was left at Chakan Ambethan chowk at around 7.30p.m. and thereafter she went to her house with the help of her cousin. On this basis, the FIR is lodged.

3. Heard Ms. Saima Sothe, learned counsel for the applicant and Smt. A. A. Takalkar, learned APP for the State/Respondent.

4. Learned counsel for the applicant relied on the agreement for sale dated 27/07/2018 in respect of land bearing Gut No.149 at village Waki Khurd. By that agreement, the

informant, her sister and mother had agreed to sale that piece of land to the applicant. The agreement bears photographs and signatures of all the concerned parties including the applicant, as well as, the informant. It was a notarized document executed before Notary. She submitted that thus, applicant was not an unknown person for the informant. There were two more documents in the nature of Power of Attorney and possession receipt, which also bear photographs and signatures of all the parties. All these documents show that the parties were knowing each other and in particular, the informant was knowing the applicant. Learned counsel for the applicant also relied on various cash vouchers which bear signatures and thumb impression of the first informant. She further invited my attention to a complaint dated 06/08/2019, wherein, the applicant had written the complaint to the Police Commissioner, Pimpri Chinchwad, mentioning that the informant and her mother had taken money from him and in spite of agreement for sale, he was cheated in the land transaction. She submitted that as a counter blast, the informant has lodged this absolutely false complaint against the

applicant.

5. Learned APP opposed this application and submitted that, the investigation revealed that there is an eye witness to the incident namely Rekha Gaikwad who had seen three persons taking away the informant from her house. This witness was a neighbour of the informant. Ld. APP submitted that there were three past offences against the applicant. Learned counsel for the applicant was quick to respond by saying that, in all these cases the applicant was acquitted. Learned counsel for the applicant submitted that he was acquitted in three cases and in one case he was released on Probation.

6. I have considered all these submissions. The documents relied on by the learned counsel for the applicant show that atleast three documents were executed before the Notary, wherein, all the parties were present. Thus, the informant was very-well aware of the identity of the present applicant and, in fact, she was also a party to the transaction. In this backdrop, when she had stated that four unknown persons had abducted her and she was made to sign few vouchers and two blank documents,

it is difficult to believe her story. Moreover, the applicant had lodged his own complaint on 06/08/2019. The FIR was lodged by the victim on 20/08/2019. Therefore, there is considerable force in the submission of learned counsel for the applicant that FIR is lodged as a counter blast by concocting false story against the present applicant. Considering their past dispute, her submission has considerable force. In this view of the matter, I am of the view that there is a strong possibility that the applicant is implicated falsely, therefore, his custodial interrogation is not justified, though, the applicant will have to attend the concerned police station and will have to co-operate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.1133 of 2019 registered with Chakan 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 as and when called and shall co-operate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)