

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 224 of 2019
Ramanand Adame Vs. State of Mah. Through P.S. Ramtek

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N.M. Narwade, Advocate for applicant.
Mr. M.G. Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 03, 2019

By this application the applicant has sought anticipatory bail in respect of offences registered against him under Sections 392 and 294 of the Indian Penal code. The main allegation against the applicant is that according to the complainant, the applicant snatched an amount of Rs.7,000/- from the employee of the complainant and ran away. The complainant is a contractor with the Nagar Parishad, Ramtek for recovery of dues from shopkeepers.

2. It is the case of the applicant that the allegations made against him by complainant are concocted and that the applicant himself had approached the police station on the same day levelling allegations against the complainant. It is the case of the applicant that being an elected Corporator he had received complaints that contractors like the complainant herein were recovering higher amounts from the shopkeepers than what was actually

recoverable. It is the case of the applicant that when he sought to dissuade the employee of the complainant from illegally recovering higher amount, the aforesaid incident occurred resulting in cross cases between the parties.

3. On 23/04/2019, while granting ad-interim anticipatory bail in favour of the applicant, this Court specifically recorded that in the report lodged before the Chief Executive Officer, Nagar Parishad, Ramtek, it was stated that the applicant had thrown away the aforesaid amount, while in the report leading to the FIR, it was claimed that the applicant had snatched the aforesaid amount and kept it with himself. This discrepancy was taken note of while granting ad-interim anticipatory bail in favour of the applicant.

4. The Non – applicant State has filed affidavit in reply to the notice issued by this Court and it is stated that the application deserves to be rejected because the applicant has criminal antecedents and further that his custody is required for recovery of aforesaid amount of Rs.7000/-. A perusal of paragraph No.4 of the affidavit in reply shows that there are two FIRs in which the applicant is shown as an accused for offence pertaining to causing simple hurt and for obstructing public servant in discharging of his duties.

5. The facts that emerge in the present case

show that the rival parties have initiated cases against each other and that the applicant is justified in contending that the offence registered against him could be a counter blast for the complaint filed by him. In any case, custodial interrogation would not be necessary if the applicant co-operates with investigation. In the present case while granting ad-interim bail on 23/04/2019, this Court had specifically imposed condition of applicant attending Police Station Ramtek on every Sunday between 10.00 a.m. to 5.00 p.m. and further that he was to co-operate with the investigating agency. There is no material placed on record to show that there has been any default on the part of the applicant in abiding by the aforesaid conditions.

6. In view of the above, it becomes clear that the applicant has made out case for grant of present application. Accordingly, the present application is allowed and the grant of anticipatory bail is made absolute in terms of order dated 23/04/2019, passed by this Court. Accordingly, applicant shall continue to attend Police Station Ramtek once in a week i.e. on every Sunday between 10.00 a.m. to 5.00 p.m. and further that he shall co-operate with the investigating agency.

JUDGE