

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

Criminal Application (ABA) No.280 of 2019
(Rajkumar Prafulkumar Punse and another .vs. State of Maharashtra
through Police Station Frezarpura, Dist. Amravati)

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

Mr. Anubhav Mardikar, Advocate for Applicants.
 Mr. V.P. Maldhure, Advocate for Non-applicant/State

CORAM : Manish Pitale, J.
DATED : June 06, 2019.

Heard learned counsel for the applicants.

2. It is pointed out that as per the FIR dated 12.04.2019 in the present case, the complainant is the real brother of applicant no.1 and a relative of applicant no.2. The allegation levelled against the applicants is that they had broken open lock of a room situated on the first floor of a property belonging to father of the complainant and applicant no.1 and that they had taken away certain items from the said room, including a gas-cylinder, cash of Rs.2000/- and a table. On this basis, offences under Sections 294, 323, 380 and 457 read with 34 of the Indian Penal Code have been registered against the applicants.

2. On 09.05.2019, this Court granted ad-interim protection to the applicants in the following manner:-

"In the event of arrest in connection with Crime No.423 of 2019, registered with the non-applicant, the applicants

be released on provisional bail on executing P.R. Bond for Rs.Twenty Five Thousand each and furnishing one or two solvent sureties in the like amount for each of the applicant.

The applicant No.1- Rajkumar Punse shall attend Police Station Frezarpura, District: Amravati on every Sunday between 10.00 a.m. and 1.00 p.m. and the applicant No.2- Sanjay Yuvraj Ambadas Kale shall attend Police Station, Frezarpura, Amravati on every Monday between 10.00 am. And 1.00 p.m., until further orders."

3. It is pointed out by the learned counsel for the applicant that statements of certain tenants residing in the same property on the first floor were recorded by the Police and the tenants have stated that they were not aware of any such incident having occurred. It is emphasized that since the said tenants being independent persons had made such statements which are part of the case diary, there was sufficient material on record for grant of anticipatory bail.

4. Although the non-applicant/State has filed reply opposing the grant of anticipatory bail on the ground that missing items are to be recovered, this Court finds that no purpose would be served by the applicants being put behind bars provided they cooperate with the investigation. This is also in the backdrop of the material that has come on record in the case diary.

5. In view of the above, the applicants are

granted anticipatory bail in terms of the interim order dated 09.05.2019 quoted above, with the modification that the applicants, instead of attending the Police Station every week, shall make themselves available to the Investigating Officer as and when required.

6. The application is allowed in the above terms.

JUDGE

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