

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

Criminal Application (BA) No. 704 of 2019

Roshan Kale and two others

Vs.

State Through P.S. Balapur Dist. Akola

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

Court's or Judge's orders

Mr. R.M. Tahaliyani, Advocate for applicant.
Mr. N.R. Rode, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 05, 2019

The applicants herein have approached this Court seeking bail as they were arrested on 09/07/2019, in connection with FIR registered on the same day, whereby offences under Sections 354(A), 452, 504 and 506 R/w 34 of the Indian Penal Code were registered against them.

2. As per the complaint lodged by the complainant, on 06/07/2019, prior to the incident in question in the present case, the applicants had threatened and abused the complainant and her family members in connection with a dispute pertaining to an amount of loan that was allegedly taken by the husband of the complainant from the applicants herein. It was claimed that although the loan amount was returned along with interest, the applicants had still

threatened and abused the complainant and her family members on 06/07/2019, about which a report was lodged in the police.

3. As regards the allegation in the present case, it is claimed by the complainant that the applicants had again arrived at her house and on the instigation of applicant no.3, the applicants No.1 and 2 had threatened the complainant and the applicant No.2 had torn her blouse. On the basis of such complaint, FIR was registered and they were arrested.

4. It is submitted by the learned counsel for the applicants that dispute pertaining to money in the present case was the amount that was due and payable to the applicants for the agricultural work that they had done in the field of the complainant. It was submitted that the complaint was nothing but false implication, due to dispute between the parties and no such incident had actually happened.

5. It is submitted by the learned counsel appearing for the applicants that the applicants No.1 and 2 are the nephews of the applicant No.3 and since they have no criminal antecedents, it would be in the interest of justice to release the applicants on bail.

6. The learned APP has handed over reply in response to the notice issued by this Court. The same

is taken on record. The present application is opposed on the ground that since the applicants and the complainant are residents of the same village, there is every possibility of influencing the witnesses, if they are released on bail.

7. Considering the nature of the allegations made against the applicants on account of dispute between the parties pertaining to amount allegedly due to the applicants, this Court is of the opinion that bail can be granted to the applicants subject to stringent conditions, so that anxiety expressed on behalf of the non-applicant State is addressed.

8. In view of the above, the application is allowed and the applicants are directed to be released on bail in Crime No.274/2019, registered at Police Station Balapur Dist. Akola on the following conditions :

- a) The applicants shall furnish PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) each and surety in the like amount.
- b) The applicants shall attend Police Station Balapur Dist. Akola once a week i.e. on Sunday between 10:00 AM to 5:00 PM till filing of charge-sheet.
- c) The applicants shall not enter village Tamshi Tah. Balapur Dist. Akola till filing of charge-sheet.

d) The applicants shall neither tamper with the evidence nor influence the witnesses.

e) The applicants shall co-operate with the investigation.

9. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of bail granted to the applicants.

10. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE