

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

ANTICIPATORY BAIL APPLICATION NO.423 OF 2020

1) Navnath Dnyanoba Masal;
2) Bapusaheb Bajirao Masal .. Applicants

Vs.

State of Maharashtra .. Respondent

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Mr.Tapan Thatte a/w. Mr.Amar Patil, Advocate for the Applicants.

Mrs.A.A. Takalkar, APP for the Respondent – State.

API Nitin W. Atke, Lonikand Police Station, Pune Rural, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 20, 2020.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.97 of 2020, registered with Lonikand Police Station, Pune Rural, for the offences punishable under Sections 452, 143 and 149 of Indian Penal Code (“IPC”. For short) and Sections 3 and 35 of the Arms Act.

2 First Information Report (“FIR”, for short) was registered on 5th February, 2020, alleging that on 4th February,

2020, the informant was present in the house. Accused entered in the house. Applicants were introduced to the first informant by co-accused. They told the informant to call his parents and aunt. The informant told them that they are not at home and had gone to Shindode village. One of them took out revolver and kept it in front of the informant. They threatened the informant and told him to bring his parents and aunt as their signatures are required on documents. The accused produced document and kept it in front of complainant. The accused also inquired about the whereabouts of other relatives as they were required to sign the documents. They waited for about 45 minutes and then left house. After the parents and uncle of the complainant had returned home, complaint was lodged with the police.

3 Applicants had prefer an application for anticipatory bail before the Sessions Court. The said application was rejected *vide* order dated 11th February, 2020.

4 Learned counsel for the applicants submitted that the applicants are falsely implicated in this case. They are implicated at the instance of persons who are interested in property. No harm is caused to the informant or any other person. Assuming

that the applicants had entered into the premises of the complainant, Section 452 would not be attracted. There was no intention to cause harm. No harm was caused to any person. Admittedly, the applicants were not in possession of the arm. It was in the possession of the co-accused. Even the said arm was not used in the crime. At the most, Sections 25(1)(b)(a) would be attracted in this case. It is further submitted that the news report dated 6th February, 2020 published in daily newspaper Pudhari gives different version. It is mentioned therein that some land mafia is involved in grabbing the property. Applicants need not be subjected to custodial interrogation.

5 Learned APP submitted that both the applicants are named in the FIR. Applicant no.2 has one antecedents against him. The ingredients to constitute the offence under Section 452 of IPC, and Arms Act are attracted in this case. The offence is of serious nature. Since, the parents and aunt of the informant were not present in the house, the accused could not accomplish their goal. All of them were together. One of them was carrying revolver, which was used to intimidate the informant.

6 On perusal of the FIR, it can be seen that several

persons had entered into the house of the complainant. The intention of the said persons is apparently to force the family members of the complainant to execute some document, which was produced by the accused. Fortunately, the persons who were required to sign the document were not present in the house. One of them was armed with the weapon, which was used to intimidate the informant. The applicants are specifically named in the FIR. It cannot be said that the provisions invoked against the applicant are not attracted in this case. *Prima facie* case is made out. Involvement of the applicants is disclosed. Offence is of serious nature, as no case for anticipatory bail is made out. Hence, Anticipatory Bail Application No.423 of 2020, is rejected and stands disposed of accordingly.

(PRAKASH D. NAIK, J.)