

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1215 OF 2021

Amol Ashok Lakade

.....Applicant

Versus

The State of Maharashtra

.....Respondent

Mr. Vikrant V. Phatate, Advocate for the Applicant.

Ms. M.H. Mhatre, APP for the Respondent-State.

CORAM : SURENDRA P. TAVADE, J.

DATE : 10th MAY, 2021.

P. C. :

1. The applicant has preferred this application for pre-arrest bail in connection with C.R.No.123 of 2021 registered with Vijapur Naka Police Station under Sections 387, 447, 504, 143, 147, 149 of the Indian Penal Code.

2. The case of the prosecution is that on 18.02.2021 the informant alongwith Nagnath Lutte and Vitthal Koli had been to his plot situated at Krishna Nagar to clean the plot. The applicant and other co-accused came there, they stopped the work and demanded Rs.1 Lakh from informant for paying it to Kisan Jadhav, Anil Jadhav and Sameer Gaikwad each. It is alleged that the applicant threatened the informant that if he failed to pay the amount, he will not allow the informant to come on the plot. Accordingly, the FIR came to be registered on 12.03.2021.

3. It is contended that the applicant never demanded any money from the informant. The entire incident is false. It is contended that the co-accused including Sameer Gaikwad has been released on bail. Nothing is to be recovered at the instance of the applicant. Almost entire investigation is over. The applicant is ready to abide by the conditions imposed upon him. Hence, he prayed for bail.

4. The learned APP on behalf of the State submitted that the applicant was very much present on the spot and he came to the informant and Sameer Gaikwad and others were not present on the spot. So the role of the applicant is specifically described in FIR. Hence, the offence is made out against him. The investigation is still in progress. Therefore, the application be rejected.

5. Heard learned Counsel for the applicant and the learned APP for the Respondent-State. Perused the FIR. Admittedly, there is delay in lodging the FIR. The alleged incident had taken place on 18.02.2021 whereas the FIR was lodged on 12.03.2021. It is alleged that the alleged amount was not paid to anybody. There is a dispute between Sameer Gaikwad and adjacent land holder of the applicant. It is pertinent to note that the co-accused are released on bail. The investigation is almost verge of completion. Nothing has to be recovered at the instance of the applicant. The custodial interrogation of the applicant is not required. The applicant has made out a case of pre-arrest bail. Hence, I pass the following order.

ORDER

(i). Criminal Anticipatory Bail Application is allowed and disposed of.

- (ii) In the event of arrest of the applicant in connection with C.R.No.123 of 2021 registered with Vijapur Police Station, the applicant be released on bail on his executing P.R.bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall not tamper with the prosecution witnesses whatsoever manner;
- (iv) The applicant is directed to attend Vijapur Police Station on every Monday, Wednesday and Friday between 10.00 a.m. to 11.00 a.m. till 15.06.2021.
- (v) The applicant is directed not to leave the jurisdiction of Vijapur Police Station without prior permission of this Court.

[SURENDRA P. TAVADE, J.]