

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1257 OF 2021**

Dinesh Dhondiram Shirgure & Ors. .. Applicants
Versus
The State of Maharashtra .. Respondent

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Mr.Kedar J. Patil for the Applicants.

Mr.S.H.Yadav, APP for the State.

PSI Rohan P. Patil attached to Ichalkaranji Police Station,
Kolhapur present.

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**CORAM: BHARATI DANGRE, J.
DATED : 12th AUGUST, 2021**

P.C:-

1. The applicants are admitted to the interim protection by order dated 19/05/2021. The gist of the allegations is reflected in para 4 of the order and it is recorded that the FIR is a result of an order passed under Section 156(3) of the Cr.P.C. passed on private complaint filed by the informant. It is recorded that the documents were signed by the first informant himself and only after his property was sought to be recovered, he has lodged the private complaint. The applicants were directed to attend the police station and the Investigating Officer does not deny that they attended the police station, but the submission is that they have not co-operated.

2. One document in form of one 'Kharedipatra' is sought to be placed before this Court in which the complainant is shown as a purchaser and one Vyankatesh Pasnur is shown as a seller. The said undated document acknowledges that Vyankatesh Pasnur had made over his six Rapier Looms of Picanol Company to the complainant at the rate of Rs.8,70,000/- per Loom and in furtherance, he has received an amount of Rs.52,20000/- in cash on 20/06/2013 and the six Looms have been handed over to the complainant. It further states that since the machines handed over are in running condition and he received the entire amount towards it, there is no need for separate receipt. The complainant is a party to the said document and is shown as the purchaser of the Looms. It is for him to explain the effect of the said document.

3. When the complaint is perused, allegation is to the effect that some loan was obtained by accused No.1, who is his brother-in-law, for the purpose of starting a business and his house came to be mortgaged. An assurance was given to him that the property will not be attached and he will repay the loan. The allegations which are levelled, *prima facie*, do not even remotely attract the offence under Section 420 at the instance of the present applicants and that is why in the interim order, it is specifically recorded that the complainant himself has signed the said Kharedipatra.

4. In such circumstances, the custodial interrogation of the applicant is no longer warranted. The interim protection granted in favour of the applicants on 19/05/2021 deserve a

confirmation, subject to the stipulation that the applicants shall continue to render their co-operation and attend the police station as and when called for.

(SMT. BHARATI DANGRE, J.)