

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1709 OF 2021**

Vasant Krushna Tate	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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Mr. Umesh Pawar for the applicant.
Mr.S.H. Yadav, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 27th JULY 2021**

P.C:-

1 The applicant is apprehending his arrest in C.R.No. 465 of 2021 registered at Islampur Police Station, District Sangli, on 1st May 2020 invoking offence punishable under Section 323, 307, 143, 147, 148, 149 and Section 506 of the IPC.

2 The C.R came to be lodged invoking the aforesaid sections on a complaint filed by one Maruti Jadhav. He refer to the deal for purchase of land in the year 2017 and state that for purchasing the said piece of land, he borrowed money from one Kuldeep Khambe, Vasant Tate (applicant), Sachin Tate, Haribhau Shedge, Vikas Bajabalkar and Manik Patil with interest @ 5% per month. After the land was purchased, it was realized by him that

the purchase was made on the basis of bogus papers. A complaint came to be lodged against him along with Shailesh Jadhav (accused no.2) and some other persons in which he came to be arrested. When he questioned the accused nos.1 and 2 about the land deal, they threatened him with dire consequences and therefore, he did not lodge any complaint with the police station. The allegation in complaint is since he was unable to return the amount which was borrowed by him, he was threatened often. The complainant state that he borrowed Rs.22 lakhs from Islampur Urban Bank and repaid the loan amount to various persons which include the applicant from whom Rs.2 lakhs was borrowed, but with interest, he returned amount of Rs.3 lakhs.

He refer to an incident which took place on account of the harassment meted out to him which prompted him to take away his life by consuming some poisonous substance.

3 The complainant refer to an incident dated 30th April 2020 when he was assaulted by some persons. He identified two assailants as Shivraj Patil and Shailesh Jadhav, who assaulted by means of a knife and other two unknown persons are alleged to have assaulted him by fists and blows. The third unknown person assaulted him by a stick on his left leg near the knee. This incident resulted into registration of FIR wherein Accused nos.1 and 2 are specifically named and three persons are described by the complainant to be unknown persons.

4 It can be very well seen that the applicant was a person known to the complainant, as he had borrowed money from him and also repaid the same with interest. If the applicant was present on the spot on the date of alleged incident and participated, nothing stopped the complainant from naming him. In the complaint, he says that three unknown persons assaulted him and he can identify them if they are shown to him.

5 Learned APP state that the name of the applicant has surfaced through the co-accused Shailesh Jadhav when his statement came to be recorded under Section 164 of the Cr.P.C. The evidentiary value of the statement of a co-accused for the purpose of implicating the applicant is the subject matter of trial and will be appreciated by the trial Court by applying the legal parameters. The said statement is also recorded after more than one year of the incident.

6 In such circumstances, since on the plain reading of the complaint, the applicant who is a known person to the complainant cannot be labelled as one of the unknown person, in the light of the material placed on record by the prosecution.

 In wake of such circumstances, the applicant is entitled for protection in the event of his arrest. Hence, the following order :-

ORDER

- (a) In the event of his arrest, the Applicant – Vasant Krushna Tate in connection with C.R.No.465 of 2021 registered with Islampur Police Station, Sangli, shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall report the Investigating Officer on every Monday between 10 am to 1.00 pm for a period of four weeks and thereafter and when required by the Investigating Officer.

7 Application is disposed of in the aforestated terms.

SMT. BHARATI DANGRE, J