IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1798 OF 2021

1. Hanmant Krishna Bhoi
2. Vijaymath Hanmant Bhoi …. Applicants

v/s.

The State of Maharashtra …. Respondent

WITH
INTERIM APPLICATION NO. 2170 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 1798 OF 2021

Rupali Tushar Katkar ….Complainant

In the matter between :-

1. Hanmant Krishna Bhoi
2. Vijaymath Hanmant Bhoi …. Applicants

v/s.

The State of Maharashtra …. Respondent

Mr. Ajinkya M. Udane for the Applicants.
Mr. Umesh Pawar for the Intervenor (in IA/2170/2021).
Mr. Ajay Patil, APP for the State.

CORAM: SARANG V. KOTWAL, J.

DATED : 23rd SEPTEMBER, 2021.

P. C. :-

. The Applicants are seeking Anticipatory Bail in connection with C.R.No.527/2021 dated 28/06/2021 registered with Islampur Police Station for offences punishable under sections 420, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Ajinkya Udane, learned counsel for the Applicant, Mr. Umesh Pawar, learned counsel for the intervenor and Mr. Ajay Patil, learned APP for the State.

3. The FIR is lodged on 28/06/2021 by one Rupali Tushar Katkar. The Applicant No.1 is her paternal uncle and Applicant No.2 is Applicant No.1's wife. It is mentioned in the FIR that the Applicant No.1 was working with District Central Co-operative Bank, Sangli. In March, 2014, the Applicant No.1 assured her that he would procure a job in the same bank for her brother. He demanded Rs.7,00,000/- for that. The informant collected gold from her weighing about 7.5 tola. She had given her gold ornaments to the Applicants for getting that job. Subsequently, for quite some time, there was no progress. In 2019, there was an advertisement for recruitment in that behalf. The informant's brother had applied for a job and had appeared for the examination. The Applicant demanded 17 to 18 lakhs for that purpose. The FIR mentions that the informant collected Rs.9.5 lakhs and paid them to the Applicants. Again on this occasion, the Applicant No.1 did not procure the job as assured and started avoiding the first informant.

It is alleged that another accused – Dhanaji Anna Shinde was also involved in this and he also did not take any steps to get the job. All the accused started threatening the first informant. On this basis, the FIR is lodged.

4. Mr. Ajinkya Udane, learned counsel for the Applicant submitted that the allegations are not true. There was family dispute between the Applicants and the first informant. The informant has been continuously harrassing the Applicant. The Applicants have filed their own complaints against the first informant. He invited my attention to the bank statement of the bank account of Dhanaji Shinde. The bank account statement shows that he had returned Rs.1,00,000/- in April, 2021 and the remaining amount of Rs.10,00,000/- through bank transaction which is reflected in Dhanaji Shinde’s account. He submitted that the entire amount of first informant was repaid and there was no cause for any grievance. In spite of that, FIR was lodged on 28/06/2021. This shows that the first informant wants to harass the Applicants.

5. Learned counsel for the Intervenor submitted that the worth of gold ornaments taken by the Applicants were more than what was

returned to the first informant and the offence is still made out against the present Applicants. He submits that the first informant is a poor person and therefore, no sympathy should be shown to the present Applicants. He submits that the first informant wanted her entire money back and only some portion was returned to her without her consent. Learned APP also made submissions on similar lines.

6. I have considered these submissions. There are allegations and counter allegations made by both the parties against each other. In the present case, the main allegations are regarding Rs.9,50,000/- in cash and gold ornaments which were given by the first informant to the Applicants. The FIR makes reference to Dhanaji Shinde whose bank statement shows that the substantial amount was already returned to the first informant in her bank account. This fact is not mentioned in the FIR lodged by the first informant.

7. Considering all these aspects, custodial interrogation of the Applicants is not necessary. They can be protected by an order of Anticipatory Bail. Hence, the following order :-

ORDER

(a) In the event of their arrest in connection with

C.R.No.527/2021 dated 28/06/2021 registered with Islampur Police Station, the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with one or two sureties each in the like amount.

(b) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.

(c) Application stands disposed of accordingly.

(d) I have heard the learned counsel for the Intervenor. With the disposal of Anticipatory Bail Application, nothing survives in the Interim Application and is disposed of accordingly.

(SARANG V. KOTWAL, J.)

PREETI H JAYANI

Digitally signed by PREETI H JAYANI
Date: 2021.09.30 15:07:49 +0530