

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.90 OF 2021

Sharad Tanaji Sase

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sanjeev Kadam i/by Mr.prashant P. Raul for applicant.

Mr.A.R.Kapadnis, APP, for State.

Mr.Pradeep N. Arote, Kalyan Taluka Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st January 2021

PC :

1. This is an application for anticipatory bail in CR No.486 of 2020 registered with Kalyan Taluka Police Station for offences under Sections 327, 323, 504 r/w 34 of Indian Penal Code.

2. The FIR was lodged on 7th December 2020. According to the complainant, her family is the tenant of the subject plot of land. On 7th December 2020 the complainant and other relatives had been to the said plot of land. They found that the applicant and others were sitting at the said plot. On questioning them, the complainant and others were assaulted by the applicant and one unknown person by wooden stick. It is also alleged that the accused took away Rs.500/- and snatched Mangalsutra.

3. The contention of applicant is that proceedings are pending before revenue authority in respect to the said plot of land. The complainant is not the owner of plot. The owner has executed

Memorandum of Understanding with brother of applicant for development of property. Reliance is placed on Memorandum of Understanding. Since proceedings are pending before revenue authorities, false FIR has been registered.

4. Learned APP submit that other person involved in the offence is absconding. Mangalsutra of the complainant was snatched by the accused. Hence, custodial interrogation of the accused is necessary. It appears that the complainant has already initiated proceedings before revenue authority claiming that they are tenants of the premises and the said proceedings are being defended by the owner. The application preferred by the complainant has been rejected by the Sub Divisional Officer and appeal against the said decision is pending. The Memorandum of Understanding has been executed by the owner with the brother of complainant for development of plot. Considering the factual matrix of the matter, custodial interrogation of the applicant is not necessary. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.90 of 2021 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.486 of 2020 registered with Kalyan Taluka Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer on 27th, 28th and 29th January 2021 between 11 am and 1 pm and thereafter as and when called for.

5. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST