

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.494 OF 2021

Vilas Ramdas Shirsat Applicant

versus

State of Maharashtra Respondent

.....

- Mr.Sachin D. Kadam, Advocate for Applicant.
- Ms.Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.331/2019 registered with Miraj Rural Police Station, dated 29/06/2019 under sections 406 of the Indian Penal Code.

2. The gist of the FIR lodged by one Ashutosh Annasaheb Chaugule is that, the Applicant had taken grapes from him and his adjoining land owner Rajaram Bapu Jagdale and had not paid the entire amount. The Applicant had allegedly taken 1480

boxes from the informant worth Rs.1,67,000/-. He had paid only Rs.20,000/-. Rs.1,47,000/- were balance. Similarly, he had taken 1375 boxes worth Rs.1,78,000/- from Rajaram Jagdale and the Applicant had paid Rs.78,000/- to Rajaram. The balance amount was Rs.1,00,000/-. Thus, total balance was Rs.2,47,000/-. The contention of the first informant is that this amounts to an offence punishable u/s 406 of IPC.

3. Heard Mr.Sachin D. Kadam, learned counsel for the Applicant and Ms.Pallavi N. Dabholkar, learned APP for the State.
4. On the last occasion, i.e. on 23/02/2021, learned counsel for the Applicant had made a statement that the Applicant was ready and willing to deposit the amount of Rs.2,47,000/- before the Court of J.M.F.C. at Miraj, and the Applicant had no objection if the first informant and Rajaram Jagdale withdrew their respective dues.
5. Today, learned counsel Mr.Kadam has tendered a copy

of the receipt showing such payment. Copy is taken on record and marked 'X' for identification. Thus the grievance of the informant and his friend Rajaram Jagdale is taken care of. Therefore custodial interrogation of the Applicant is not necessary.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.331/2019 registered with Miraj Rural Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The learned JMFC shall invest the amount deposited in fixed deposit scheme to be renewed from time to time.
- (iii) The informant and his friend Rajaram Jagdale

are at liberty to withdraw their respective amounts mentioned in the FIR from the trial Court.

- (iv) In case, neither of these two withdrew these amounts, learned trial Judge shall pass appropriate order regarding disbursement of this amount as per rules at the conclusion of the trial/proceedings.
- (v) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)