

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.586 OF 2021

Shantaram Devji Bhosale and others

Applicants

versus

The State of Maharashtra

Respondent

Mr.Waqar K. Pathan i/by Anil Mishra for applicant.

Mr.S.S.Pednekar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th June 2021

PC :

1. This is an application for anticipatory bail in connection with CR No.36 of 2021, registered with Naupada Police Station, Thane, for the offences punishable under Sections 143, 147, 149, 452, 323, 324, 504, 506 and 427 of Indian Penal Code.

2. The case of the complainant is that he had borrowed hand loan of Rs.3,40,000/- from applicant no.1. However, he could not repay. The vehicle belonging to the complainant was sold to applicant no.1. Balance amount of Rs.2,00,000/- was to be paid. On 11th February 2021, the informant was in his office. Applicant visited his office. They demanded money. The showed his inability to make payment. Suddenly he was assaulted by the accused with bamboo sticks. Damage is also caused to the articles lying in the office.

3. On perusal of the FIR it is apparent that there is money transaction between the complainant and applicant no.1, which is

admitted by the complainant. He owed money to applicant no.1. It does not mean that the accused can take law into the hand. However, the case of the applicant is that the complainant was being questioned as to whether he is paying the EMI to the bank in respect to the car purchased by him, which is subsequently sold to applicant no.1. There was no incident of assault.

4. The applicant was granted interim protection vide order dated 4th March 2021. Looking at the nature of allegations, custodial interrogation of the applicant is not necessary. The interim order granted by this Court can be confirmed. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) Interim order dated 4-3-2021 is confirmed;
- (iii) In the event of arrest of applicant in connection with CR No.36 of 2021 registered with Naupada Police Station, Thane he shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iv) The applicant shall report the Investigating Officer as and when called for till filing of charge sheet.

(PRAKASH D. NAIK, J.)

MST