

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 764/2021

(Subheshkumar S/o Anandswaroop Pande Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. C. Jaltare, Advocate for applicant.
Shri A. R. Chutke, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 24.11.2021.

Heard

2. In anticipation arrest in Crime No. 106/2021 registered with the Police Station Kardi, Tahsil Mohadi, District Bhandara for offence punishable under Section 380 of the India Penal Code, the applicant is praying for pre-arrest protection.

3. Learned counsel for the applicant also seeks for interim protection.

4. At the instance of FIR (First Information Report) lodged by the uncle against nephew regarding theft in dwelling house, the crime was registered. It is alleged that while the applicant was staying in the house of informant, he stole cash amount of Rs. 18,000/- and idols worth Rs. 30,000/- i.e. a theft of Rs. 57,000/-.

5. Learned counsel for the applicant would submit that due to old family dispute, false report has been

lodged. Moreover, it is stated that though the informant realized about missing of valuable on 26.08.2021, for next one month, report was not lodged. He would submit that the possibility of theft by third party cannot be ruled out. Besides that to show bonafides, the applicant is ready to deposit 50% amount of the theft of Rs. 57,000/-. Having regard to the nature of accusation, and close relationship between the parties and statement made by the learned counsel for applicant, applicant's liberty can be protected by issuing certain directions, hence following order:-

- (I) Application stands allowed.
- (II) In the event of arrest of applicant – Subheshkumar S/o Anandswaroop Pande, he be released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (III) The applicant shall attend concerned Police Station on every Sunday in between 11.00 a.m. to 02.00 p.m. till filing of charge-sheet or 60 days whichever is earlier.
- (IV) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.
- (V) The applicant shall deposit 50% amount as assured within two weeks in this Court.
- (VI) In case of breach of any condition, prosecution is at liberty to move this Court for cancellation.

JUDGE