

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.50 OF 2022

Anil Takarya Bhosle

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Mr.A.M. Gaikwad Advocate for Applicant.
Mrs. Vaishali Patil-Jadhav, A.P.P. for Respondent-State.
...

CORAM: SMT. VIBHA KANKANWADI, J.

DATE : 11th FEBRUARY, 2022

ORDER :

1. Present applicant is apprehending his arrest in connection with Crime No.604 of 2020 registered with Belwandi Police Station, Taluka-Shrigonda, District-Ahmednagar, for the offence punishable under Sections 420, 395 of the Indian Penal Code.
2. Heard learned Advocate for the applicant and learned APP for the respondent – State. In order to cut-short, it can be stated that both the sides have made submissions in support of their respective contentions.

3. Perusal of the First Information Report lodged by one Ajinkya Chandrakant Gogawale would show that it was against one Borkar, whose full name was not known to the informant, and against 5 to 6 unknown persons. It has been alleged in the First Information Report that the informant had received phone call at about 9.45 a.m. on 21st November 2020 from one Borkar. It appears that informant was not knowing that person still he received the phone call and heard what he was saying. According to the informant, that person disclosed that he is calling from Ahmednagar and if the informant want to purchase land in Ahmendnagar District in less price then he would make it available. Informant showed willingness and told that he would make call to that person later on. But still, thereafter he used to receive phone calls from that number. Informant told him that after he collects money then he would give phone call. Thereafter, the informant made phone call at 6.30 a.m. on 25th December 2020 on the said number and told that he and his friend would come to see the land. At that time, the said person i.e. Borkar told that the informant should bring some advance. Thereafter the informant told him that he would visit on that day or next day. Thereafter at about 2.00 p.m. on the same day, he received phone call from another number and that person told

that he is Borkar and told that if the informant is coming on the next day then he would be at his house. There was, thereafter, contact between them again and again and informant left along with his friend on 26th December 2020, in a vehicle. The informant had an amount of Rs.1,00,000/- with him. When they reached near village Chikhli, they were directed to come at a place nearby. After they went to that place, they could find two persons, and out of them one introduced himself as Borkar and offered them to show the land. He also asked as to whether informant has brought the payment. After walking for a distance, when those persons realized that the informant is carrying the amount with him, they assaulted the informant and his friend and snatched the amount. Apart from the cash amount, those two persons also snatched one Tola gold chain from the neck of the informant. The informant has given description of certain persons. He also states that about 5 to 6 persons, who were concealing themselves in Jawar crop nearby, had also come to help the accused Borkar and other person.

4. The contents of the First Information Report would show that it was not against the present applicant, in a sense that his name is not appearing in the First Information Report. The police papers reveal that from the mobile numbers accused No.1

Jitendra Bhosle could be traced out. So also one Rahul Bhosle was also traced out. However, further police papers show that from the interrogation of those two persons, name of the present applicant and two other persons who appeared to be the brothers of the accused Jitendra, are revealed.

5. As on today, except the statement of co-accused there is nothing as against the present applicant. That statement is not *per se* admissible in the evidence unless the conditions enumerated in the Evidence Act are fulfilled. Therefore, custodial interrogation of the applicant is not required. He was granted interim protection by this Court by order dated 19th January 2022. The investigation can still go on if the attendance is directed to be given and therefore, the interim protection granted earlier deserves to be confirmed. Hence the following order:-

ORDER

- i) Application stands allowed.
- ii) The interim protection granted to the applicant by this Court vide order dated 19th January 2022 stands confirmed. It is

clarified that in the event of arrest of applicant – Anil Takarya Bhosle in connection with Crime No.604 of 2020 registered with Belwandi Police Station, Taluka-Shrigonda, District-Ahmednagar, for the offence punishable under Sections 420, 395 of the Indian Penal Code, he be released on bail on PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand) each.

iii) The applicant shall attend the concerned Police Station on every Friday between 10.00 a.m. to 12.00 noon till filing of the charge-sheet.

iv) The applicant shall not tamper with the evidence of the prosecution in any manner.

v) The applicant shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI , J.]