

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

918 ANTICIPATORY BAIL APPLICATION NO.848 OF 2022

KIRAN BHIMRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Brahme Shailesh P.
APP for Respondent-State : Mr. K. S. Patil.
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CORAM : S. G. MEHARE, J.
DATE : 23.08.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The learned counsel for the applicant would submit that one Bhaveshkumar Kalariya runs a factory. The applicant had supplied the goods to him. However, there was a dispute between Bhavesh Kalariya and the applicant. Therefore, he used the complainant, who are his employees. In fact no incident as such happened. Nothing is to be recovered from the applicant. Hence, he may be released on bail.
3. The prosecution had a case that seven unknown assailants were recorded in C.C.T.V. footage while committing the offence. However, there was a confusion about the exact

location of the C.C.T.V. footage and the alleged spot of the incident. Learned APP verifying the facts from Investigating Officer, would submit that these are the two different spots. However, the C.C.T.V. footage is of the place nearby the spot of the incident.

4. Learned APP has opposed the application contending that the serious offence has been committed by the applicant. Therefore, his custodial interrogation is required.

5. Perused the papers. The complainant is the employee of one Bhaveshkumar Kalariya. The applicant has some business transactions with him. There are no specific allegations against the applicant that he has played the active role in the crime. The JCB machine allegedly taken away was lying at some distance from the spot of the incident and it has been recovered. Considering the facts of the case, this Court is of the view that this is a fit case for anticipatory bail. Hence, the following order :

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant KIRAN BHIMRAO JADHAV, be released on bail on

furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount in Crime No.208 of 2022, registered with Police Station Sakri, District Dhule for the offences punishable under Sections 395, 323, 504, 506 of the IPC, on the condition that he shall attend the Police Station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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vmk/-