

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1200 OF 2022

Nana Vilas Bhui

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Sachin M. Bhavar, Advocate, for the Applicant

Mr. P. H. Gaikwad, APP, for the Respondent – State

Mr. Sunil S. Jadhav, PHC, B. No. 966, Pandharpur Police
Station(Rural), Solapur present

CORAM : VINAY JOSHI, J.

DATE : 02.05.2022

P. C.

. In anticipation of arrest in C. R. No. 157 of 2022 registered with the Pandharpur Police Station(Rural), Solapur for the offence punishable under Sections 392 & 452 of the Indian Penal Code, the applicant is seeking for pre-arrest protection.

2. The State opposed bail by pointing towards seriousness of accusation.

3. The informant – lady has lodged report alleging

robbery. It is her case that on 23.03.2022 around 8.00 p. m. while she was alone at her house, the applicant barged into her house, assaulted her and forcibly took away cash amount of Rs. 80,000/- kept in a container and therefore, the report.

4. The applicant's learned counsel submitted that in fact, the story is otherwise. The victim lady has borrowed Rs. 90,000/- from the applicant for the purpose of marriage of her daughter. As & when the applicant insisted for return of money, she has leveled false allegations. To substantiate said contention, the applicant has produced a notarized Affidavit of a witness in whose presence the transaction of money lending took place. Besides that, the applicant has produced a copy of his Bank passbook to show that on 23.11.2021, he has withdrawn cash amount of Rs. 90,000/- which according to him, was paid to the informant.

5. In the first session, when the matter was heard, I have specifically asked query as to when the informant's daughter got married, as prima facie, it was unacceptable

that labourer has kept cash of Rs. 80,000/- in a tin. In response, in the second session, police have filed supplementary statement of the informant giving explanation for money in her own way. It is evident that in the first session, this Court has put a query, thereafter, police ventured into recording supplementary statement supporting to the prosecution case. However, informant stated that on 07.02.2021, her daughter got married. The said circumstance supports the applicant's stand that he has withdrawn money on 23.11.2021 for lending it to the informant for the marriage of her daughter. Moreover, submission that as to how the applicant was aware that a huge cash was kept in a tin at the informant's house also requires consideration. One of the object of grant of anticipatory bail is to protect the citizen from unnecessary arrest or humiliation. There is substance in the submission canvassed by the applicant, therefore, I am inclined to grant protection to the applicant by imposing certain terms & conditions to facilitate investigation. In view of that, the following order.

ORDER

- (i) The Application is allowed;
- (ii) In the event of arrest, the applicant namely - Nana Vilas Bhui in C. R. No. 157 of 2022 registered with the Pandharpur Police Station(Rural), Solapur for the offence punishable under Sections 392 & 452 of the Indian Penal Code, be released on interim bail on his furnishing P. R. Bond of Rs. 25,000/- with one or two sureties in the like amount;
- (iii) The applicant shall attend the concerned Police Station on every Sunday and Wednesday in between 10.00 a. m. to 12.00 noon to facilitate the investigation till filing of charge-sheet or for a period of 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 shall not tamper with the evidence;
- (v) The above observations are made on prima facie basis which has no impact on the merits of the case.

6. The Application stands disposed of.

(VINAY JOSHI, J.)