

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

ANTICIPATORY BAIL APPLICATION NO.257 OF 2022

Santosh Hare Wade Applicant

versus

State of Maharashtra Respondent

.....

- Mr.Balasaheb R. Deshmukh, Advocate for Applicant.
- Ms.Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 10th FEBRUARY, 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.85/2021 dated 16/03/2021, registered with Ulhasnagar Police Station, Thane City, under sections 420, 406 of the Indian Penal Code.

2. Heard Mr.Balasaheb R. Deshmukh, learned counsel for the Applicant and Ms.Sharmila S. Kaushik, learned APP for the State.

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3. The FIR is lodged by father-in-law of the Applicant. He has stated that the informant's daughter got married with the Applicant and they had two children. In the initial part of the FIR he has mentioned about the marital discord between the Applicant and the informant's daughter. There are allegations that because of the Applicant's harassment since 23/08/2020, the informant's daughter came back to reside with the informant. After that, she had gone missing. For that purpose, missing person's complaint was lodged at Ulhasnagar police station. The informant's daughter was traced. It is the case of the informant that even thereafter her mental condition was not stable and she left her parental house as well. However, the subject matter of the FIR is about some money transaction. The informant has stated that in October 2018, the Applicant approached the informant and told him that he was knowing many bank officers and that he was in a position to get four wheelers at much lesser price through auction. He took Rs.2 lakhs for that purpose. Subsequently, this money was misappropriated. No car through auction was given to the informant and therefore this FIR was lodged.

4. Learned counsel for the Applicant submitted that the Applicant himself has filed a private complaint against the informant, the Applicant's wife and many other family members including the informant. In that complaint he had prayed for directions for investigation u/s 156(3) of Cr.P.C. The complaint was filed on 03/12/2020 and as a counterblast to the complaint filed by the Applicant, the first informant in this case has filed this case before the learned Magistrate on 26/03/21. There is gross delay in lodging complaint, which shows that it is filed as an afterthought and just to pressurize the Applicant. He submitted that the Applicant's wife was having affairs with the other persons and therefore there was dispute between the Applicant and his wife. The informant is pressurizing the Applicant by filing this false case.

5. Learned APP opposed this application, relying on the contents of the FIR.

6. I have considered these submissions. There is considerable force in the submissions of learned counsel for the

Applicant that the alleged money transaction was in the year 2018 and the complaint was lodged only in March 2020. This complaint was lodged, after the Applicant had lodged his own complaint against the informant and his entire family. There is possibility that the complaint against the Applicant is filed as an afterthought as a counterblast to the Applicant's complaint. The incident of alleged money transaction is from the year 2018. The informant had not made any grievance since then.

7. The informant's daughter had come back to reside with the informant in August 2020. Even thereafter no grievance was made immediately by the informant about misappropriation of Rs.2 lakhs. In this background there is sufficient doubt created against the version of the informant. Therefore custodial interrogation of the Applicant would not be justified. He can be directed to attend the concerned police station and co-operate with the investigation.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.85/2021 dated 16/03/2021, registered with Ulhasnagar Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)