

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

ANTICIPATORY BAIL APPLICATION NO.318 OF 2022

Dinesh Ramesh Ghodke

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Anand Awasarmol, Advocate a/w. R.S. Pawal for the Applicant.

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

CORAM : SARANG V. KOTWAL, J.

**DATE : 4th FEBRUARY, 2022
[Through Video Conferencing]**

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.6/2022 registered at Kulgaon Police Station, District – Thane on 14.1.2022 under Sections 327, 452, 504, 506 read with 34 of the Indian Penal Code.

2. Heard Shri Anand Awasarmol, learned counsel for the applicant and Shri P.H. Gaikwad, learned APP for the State.

3. The FIR is lodged by one Ganesh Vishe. He has stated that in the year 2018 he had taken Rs.50,000/- from the applicant in connection with the informant's business of medical

store. The informant had agreed to pay higher amount to the applicant. However, since he had suffered financial losses in his business, he could not return the money within time. The informant had given his two-wheeler to the applicant instead of that. However, the applicant kept on demanding his money. After that the informant closed his shop at Katrap and started working at Wangani in the shop of one Ankita Gore. According to the first informant, he has returned Rs.70,000/- in cash to the applicant. But before 10 to 15 days of lodging of the FIR, the applicant telephonically called him and threatened to assault the informant. On 13.1.2022 at about 8:30 p.m., the applicant along with his two friends came to the medical shop at Wangani where the informant was working. They came in a white Innova car. They entered the shop. The shutter was closed. The informant was taken to the inner room and then the applicant and others started assaulting him with fist blows. It is his case that the applicant and others removed various articles i.e. inverter set, two mobile phones, five boxes of baby foods, body sprays, medical belts etc. Those articles were kept in the car and when the informant resisted they told him that the informant should

accompany them to Manjarli in the applicant's office. He accompanied them to get his articles back. Therefore, the informant sat in the car. They took the informant to the applicants office at Manjarli and again there he was assaulted and the articles were kept in the applicant's office. On this basis, the FIR is lodged.

4. Learned counsel for the applicant submitted that the applicant is falsely implicated. The informant has taken Rs.3 Lakhs from the applicant and to avoid making payment he has lodged this false complaint against the applicant. Learned counsel submitted that the informant is in the habit of lodging such false complaints after taking money from different people. He submitted that the applicant's custodial interrogation is not necessary.

5. Learned APP strongly opposed this application. He produced the investigation papers before me and relied on the CCTV footage panchnama.

6. I have considered these submissions and I have perused the investigation papers produced before me. Those

papers contain CCTV footage panchnama which sufficiently corroborates the informant's case. The incident is captured in the CCTV. These persons had entered in the shop and the shutter was pulled down. Then one of the person was seen keeping watch. After some time the shutter was pulled up and the articles were kept in the car. All this is captured in the CCTV as is mentioned in the panchnama.

7. Apart from that, there is a statement of one neighbouring shop-keeper. He has also corroborated the informant's version. Thus, at this stage, there is sufficient material against the applicant available with the investigating agency. The manner in which the offence is committed is quite serious. The applicant's custodial interrogation is necessary. No case for grant of anticipatory bail is made out. The application is rejected.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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Date: 2022.02.05
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(SARANG V. KOTWAL, J.)

Deshmane (PS)