

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

ANTICIPATORY BAIL APPLICATION NO. 1148 OF 2022

Mr. Chandrakant Vasant Kode .. Applicant
Vs.
State of Maharashtra .. Respondent

Mr. Vaibhav R. Gaikwad, for Applicant.

Mr. A.A. Palkar, APP for Respondent – State.

CORAM: VINAY JOSHI, J.

DATE: APRIL 27, 2022

P.C.:

1. Apprehending to be arrested in Crime No. 379 of 2017 registered with Satara City Police Station, for the offences punishable under Sections 395, 384, 324, 323, 504, 506 of the Indian Penal Code, the applicant is seeking for pre-arrest protection.

2. It is primely canvassed that the applicant's name is not mentioned in the First Information Report nor any specific role is assigned to him in the charge-sheet filed against the co-accused. In response, though the State opposed the bail, however, only able to contend that the co-accused Pramod alias Khandya was financed by the applicant and nothing else.

3. In the year 2017, the informant has lodged report. It is his case that in the year 2014, he has borrowed Rs. 3,00,000/- from the co-accused Pramod alias Khandya

(arrested) on interest. At the time of loan transaction, nominal sale deed was executed towards security for the payment advanced. It is informant's case that though he has returned the entire money with interest, still the co-accused Pramod alias Khandya was threatening and harassing him. It is the prosecution case that on 04/05/2017 in the afternoon, the co-accused Pramod alias Khandya along with 7-8 associates assaulted informant and forcibly took away cash amount of Rs.33,000/-. Perusal of police papers discloses that there are no allegations even about the applicant's presence at the time of occurrence. It reveals from the prosecution case that the applicant has allegedly financed to Pramod alias Khandya, who in turn was doing money lending business. Prima facie, no nexus of applicant with the alleged crime is made out. The applicant is 69 years of age and is income tax practitioner. Having regard to this fact, the applicant has made out a case for grant of pre-arrest protection. In view of that, the following order.

ORDER

(a) The application is allowed.

(b) In the event of arrest, the applicant namely Mr. Chandrakant Vasant Kode in Crime No. 379 of 2017 registered at Satara City Police Station, District Satara for the offences punishable under Sections 395, 384, 324, 323, 504, 506 of the Indian Penal Code, be released on bail on his furnishing P.R.bond of Rs. 25,000/- with one or two sureties in the like amount.

(c) The applicant shall attend the concerned Police Station as and when called.

(d) 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.

4. The application stands disposed in the above terms.

(VINAY JOSHI, J.)