

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

**ANTICIPATORY BAIL APPLICATION NO.3035 OF 2021
WITH
INTERIM APPLICATION NO.2794 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.3035 OF 2021**

Satyajeet Rajendra Mane & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Shailesh Chavan for the Applicants.
Mr. A. A. Palkar, APP for Respondent -State.
Mr. Rahul B. Khot for the intervenor

CORAM : NITIN W. SAMBRE, J.

DATED : 12th SEPTEMBER, 2022

P.C.:

1. Heard.
2. The Applicants who are brothers seeking pre-arrest bail in Crime No. 383 of 2021 registered with Vaduj Police Station for the offences punishable under sections 327, 506 & 34 of IPC.
3. The subject matter of the offence is a JCB bearing registration no. MH 10 DL 7989. According to the complainant Dadaso, the said JCB was purchased by his son-in-law Suresh on 24/07/2020 for a consideration of Rs.23,51,000/- and the amount of Rs.20,00,000/- was already received by the applicants towards

consideration.

4. It is claimed that the JCB was withdrawn by the applicants from the custody of Suresh on 27/07/2021, which has resulted into registration of the offence.

5. The claim put forth by the applicants is, there is parallel complaint preferred by Suresh, son-in-law of the complainant herein in which already separate offences are registered. During the investigation of the said offences, it is claimed that the JCB machine was seized and already released in favour of the applicants. According to the applicants, there is unexplained delay of more than 3 months in lodging FIR and that being so the applicants deserve to be released on bail.

6. Learned APP assisted by the counsel for the complainant would oppose the prayer.

7. According to them, once the custody of the JCB was with the complainant's son-in-law Suresh, the applicants must explain their lawful custody of the same. It is further claimed that the custodial interrogation of the applicants is necessary as the applicants were accompanied by another four persons. It is also mentioned that the issue is already looked into in another crime being offence no. 214 of 2022 punishable u/s. 420, 406 & 34 of the IPC.

8. What can be noticed from the allegations in the present FIR is, already in relation to the very same incident another offence being offence no. 214 of 2022 is registered and under investigation. It appears that on the same set of facts the present offence is registered at the behest of father-in-law.

9. In the aforesaid background, in my opinion what can be noticed that unexplained delay in lodging of FIR is at all not explained. The vehicle is already informed to be in the custody of the applicants in the present offence as the applicants appear to be the registered owners.

10. It appears that there exist contractual disputes *inter se* between the applicants and the son-in-law of the complainant and that being so in my opinion ad-interim relief ordered by this Court needs to be confirmed.

11. In the event of arrest of applicants in Crime No. 383 of 2021 registered with Vaduj Police Station for the offence punishable under sections 327, 506 & 34 of IPC applicants be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

12. The applicants shall neither directly or indirectly influence the prosecution witnesses nor tamper with the evidence.

13. The applicants shall attend the Investigating Officer from 20/09/2022 to 27/09/2022 between 10.00 A.M. and 12.00 Noon and thereafter as and when directed by the Investigating Officer.

14. The application stands disposed of.

15. In view of the disposal of the anticipatory bail application, interim application also stands disposed of.

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(NITIN W. SAMBRE, J.)