

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

ANTICIPATORY BAIL APPLICATION NO. 2380 OF 2022

Chaitanya Prabhakar Ingale	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Shailesh Kharat for the Applicant.
Mr. P.H. Gaikwad, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th AUGUST, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.49/2022 registered with Warje Malwadi Police Station, Dist. Pune for offences punishable under sections 341, 379, 395, 448, 506 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report (FIR) lodged by Sunanda Chaure. A perusal of the FIR and the other material prima facie indicates that there is a dispute

between the Applicant and the complainant in respect of a room which is allegedly occupied by the complainant. The complainant has alleged that on 25/01/2022, the complainant removed the electricity meter from the said room. On 01/02/2022, the Applicant once again came to the room and told her to vacate the room and forcibly tried to evict her and her husband from the said room. She has stated that while her son Sagar was trying to take video of the said incident, the Applicant snatched the mobile from his hand. It is also alleged that the Applicant committed theft of her gold mangalsutra. The complainant had lodged NC on the same date wherein prima facie there were no allegations of theft of mobile phone or the gold mangalsutra. The FIR is lodged on 14/02/2022 i.e., after the period of over 13 days from the date of the incident. The learned Additional Sessions Judge, Pune while granting bail to the co-accused, had observed that the Applicant had given different version in the NC complaint, the Application lodged before the Deputy Commissioner of Police and the present FIR.

4. Considering the discrepancies in the complaint viz-a-viz the NC complaint lodged before the Deputy Commissioner as well as the delay in lodging the FIR, in my considered view, this would be a fit case for grant of pre-arrest bail. Hence, the Application is allowed on the

following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.49/2022 registered with Warje Malwadi Police Station, Dist. Pune, he shall be released on bail, on furnishing P.R. bonds in the sum of Rs.25,000/- with one or more sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for three days from 05/09/2022 from 10:00 a.m. to 01:00 p.m.

(c) The Applicant shall not interfere with the complainant and the other prosecution witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. Application stands disposed of.

PREETI
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JAYANI

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by PREETI H
JAYANI
Date: 2022.08.30
16:19:18 +0530

(SMT. ANUJA PRABHUDESSAI, J.)