

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

ANTICIPATORY BAIL APPLICATION NO.1844 OF 2018

Pritam Dattaram Kadam Applicant
Versus
Palak Pritam Kadam and another Respondent

Mr. Vikram R. Sutaria, Advocate for the Applicant.
Smt. A.A. Takalkar, APP for the Respondent-State.
PSI P.S. Khamkar, Borivali Police station is present.
None for Respondent No.1.

CORAM : SARANG V. KOTWAL, J.

DATE : 3rd FEBRUARY, 2022
[Through Video Conferencing]

P.C. :

1. The record shows that one advocate had filed Vakalatnama for respondent no.1. On the last occasion, nobody was present on behalf of respondent No.1 and, therefore, in the interest of justice the matter was adjourned to today. Even today, nobody appears for respondent No.1. Therefore, today I am deciding this application.

2. At the outset learned APP, on instructions of the

investigating officer who is present in the Court, makes a statement that the investigating agency does not intend to arrest the applicant.

3. Learned counsel for the applicant on his part made a voluntary statement that the FIR mentions articles worth Rs.2,52,000/- were allegedly not returned to the informant, out of which admittedly laptop and mobile-phone are returned. This fact is accepted by the investigating officer. The value of other articles comes to Rs.1,68,000/-. Learned counsel for the applicant submitted that the applicant is willing to deposit that amount in the trial court.

4. Considering this situation, since the investigating agency does not intend to arrest the applicant in connection with C.R. No.I-333/2018 registered at Borivali Police station, Mumbai dated 6.7.2018 under Sections 498-A, 406, 323, 504, 506 of the Indian Penal Code, the application can be allowed. The applicant was protected by interim order from 10.9.2018 by this Court (Coram:Prakash D. Naik, J.). More than three years have already passed. During that period there are no

fresh allegations against the applicant. Therefore, the application can be allowed. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.I-333/2018 registered with Borivali Police station, Mumbai, 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 is permitted to deposit Rs.1,68,000/- in the trial Court within a period of two months from today. The trial Court shall decide whether that amount can be disbursed to the informant, if such an application is made.
- (iii) Anticipatory Bail Application stands disposed of accordingly.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2022.02.05 12:00:14
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(SARANG V. KOTWAL, J.)

Deshmane (PS)