

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

ANTICIPATORY BAIL APPLICATION NO.3123 OF 2021

Santosh Muktaji Jawale Applicant

versus

State of Maharashtra Respondent

.....

- Smt. Shubhada D. Khot i/b. Anthony Nadar a/w Danish Patel, Advocate for Applicant.
- Mr. Abdul Kadar Millwala, Advocate for first informant.
- Ms. Sharmila S. Kaushik, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.590/2021, dated 11/11/2021, registered with Kolsewadi Police Station, Kalyan, District Thane, under sections 384, 120-B, 447, 500, 504, 506(2) r/w 34 of the Indian Penal Code.

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2. Heard Smt. Shubhada D. Khot, learned counsel for the Applicant, Mr. Abdul Kadar Millwala, learned counsel for the

Intervenor and Ms. Sharmila S. Kaushik, learned APP for the State.

3. The FIR is lodged by one Sanjay Ananta Gaikwad on 11/11/2021. He has stated that, in the year 2016, he got acquainted with the Applicant's sister. She had purchased a house from the informant's brother. The transaction was completed. Money was paid and the flat was transferred in her name. The FIR mentions that the Applicant's sister tried get close with the first informant. But he was already married and he told her so. The Applicant's sister told him that she too was married and had a child. Still she tried to get close with the first informant. It is alleged in the FIR, that, she started threatening the informant of implicating him in a false rape case. According to the first informant, he went on paying money to her to prevent any possible trouble. According to him, he had given two flats, gold and car to the Applicant's sister. On 11/10/2021, she came to his house and threatened him. Therefore, he had lodged NC complaint against her. The FIR mentions that the

Applicant's sister and the Applicant used to demand money from the informant from time to time. On 15/10/2021 two unknown persons entered his office and caused damage. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that, the informant has conveniently not mentioned that he was married to the Applicant's sister and that they had a daughter from their relationship. The birth certificate and Aadhar card shows that the informant was the father of that child. The informant has deliberately suppressed this fact. She submitted that even if the FIR is assumed to be true, there is no role played by the Applicant and only to pressurize him this false FIR is lodged.

5. Learned APP supported the contents of the FIR to oppose this application. Learned counsel for the Intervenor submitted that there is no relationship between the informant and the Applicant's sister. The Applicant and his sister were extorting money from the informant. The Applicant had sent

unknown persons to his office. Because of this background the Applicant should not be granted protection.

6. I have considered these submissions. The copies of the photographs attached to this application do show close relationship between the informant and the Applicant's sister and also there is a child from the relationship. Therefore the informant does not appear to have put forth correct and true facts in this FIR.

7. Reading of the FIR shows that the main grievance was made against the Applicant's sister. The Applicant has no role to play in the dispute between the informant and the Applicant's sister. In the background of these facts, the Applicant's custodial interrogation is not justified. He can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.590/2021, dated 11/11/2021, registered with Kolsewadi Police Station, Kalyan, District Thane, 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 shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)