

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

961 ANTICIPATORY BAIL APPLICATION NO.1150 OF 2023

1. Vishal Ramchandra Kale
2. Suraj Janardhan Kale .. Applicants

Versus

The State of Maharashtra and Another ..Respondents

...
Advocate for Applicants : Mr. Rahul Pralhadrao Mote
APP for Respondent / State : Mr. S.P. Sonpawale

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CORAM : R. M. JOSHI, J.
DATE : SEPTEMBER 14, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No.525 of 2023 registered with M.I.D.C. Waluj Police Station, Dist. Aurangabad for the offence punishable under Section 392 r/w. Section 34 of the Indian Penal Code.

2. First informant is the waiter working at Hotel Tambu. It is alleged by him that on the date of alleged incident dated 23.06.2023 the dispute arose with the customer over the payment of bill of Rs.80/-. It is further alleged that the said customer pushed him and snatched two currency notes of Rs.500/- each from his pocket.

3. Learned counsel for the applicants states that in fact applicants had been to the hotel on the date of the incident and they had paid the bill of Rs.970/- through PhonePe. It is his submission that applicants are being implicated falsely in the present crime.

4. Learned APP relying upon the report submitted that the Investigating Officer states that transcript has been prepared of the incident which was recorded in the CCTV which shows that the applicants were found snatching money from the pocket of the informant. This Court, however, does not find any such incident recorded in the CCTV footage.

5. Even if it is accepted that some incident occurred at the spot, however apparently informant has exaggerated the version by adding about snatching of Rs.1,000/- from his pocket by the applicants. There is documentary evidence to show that applicants have paid the bill of Rs.970/-. In such circumstances, it is difficult to accept such allegation made by the informant. It is further found that the anticipatory bail application has been rejected by the learned Trial Court on the basis of the statement made by the Investigating Officer

about the pendency of the seven crimes against applicant no.1 and two crimes against the applicant no.2. The learned counsel for the applicants submits that from those two offences applicant no.2 has been acquitted by the competent court.

6. Having regard to these facts, the application deserves to be allowed. Hence, the following order:

ORDER

(i) Application is allowed in terms of interim order dated 13.07.2023.

[R. M. JOSHI]
JUDGE

GGP