

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1730 OF 2022

1. Vinod Panjabrao Deshmukh
2. Jagdish Pundlik Patil
3. Milind Narayan Sonawane

.... Applicants

Versus

The State of Maharashtra
and another

.... Respondents

.....

Mr. Ajit B. Kale, Advocate for the Applicants
Mr. A.V. Deshmukh, APP for Respondents – State
Mr. Bhausahab S. Deshmukh, Advocate for the Informant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 08th FEBRUARY, 2023

ORDER :

1. The applicants apprehend their arrest in connection with Crime No. 0336 of 2022 registered with Ramanand Police Station, Jalgaon for offences punishable under sections 395, 504, 506 of the Indian Penal Code.

2. Manoj Liladhar Wani lodged FIR on 12/11/2022 alleging that since the year 2016, he is in possession of the premises 4 rooms on the ground floor of property No. 18/2, Ramdas Colony, Jalgaon by virtue of rent agreement executed by Ghanshyam Laxman Patil. After his demise, his son Rajesh

Patil became owner of the said premises. In the year 2018, informant and his wife obtained loan of Rs. 2 Crores from Godavari Laxmi Co-operative Bank Limited, Jalgaon, for which Rajesh Patil voluntarily mortgaged the said property to the Bank. Since June 2021, the informant is running his business in the name of *Manokalp* Trading and Service Private Limited and *Manokalp Pratishthan* in the said premises. In the said premises, original record of the company, important documents, computer, Laptop of H.P. company, 3 gold coins of total weighing 9 gms. 6 silver coins of total weighing 20 gms., which are used in *pooja*, cash, dining table, chairs and 2 cupboards were kept. Pradip Bari was working as a Peon in his company. Due to Covid, he could not repay the loan regularly and his loan account had become N.P.A. The Bank had taken possession of the said mortgaged property in September, 2022. At the request of the informant and other 6 occupants of the said property, the Bank handed over the possession of some *Galas*/shops to them on rental basis. On 31/10/2022, between 12.00 noon and 4.00 p.m., the applicants and other accused persons forcibly entered the said premises by giving threats to the Peon, it was informed to him by Peon, therefore he rushed there. The accused persons forcibly carried away original record of the company, important documents,

computer, H.P. company Laptop, 3 gold coins of total weighing 9 gms. 6 silver coins of total weighing 20 gms., and cash amount of Rs.12,500/-. When the informant tried to prevent them, applicant Nos. 1 and 2 threatened him with dire consequences.

3. Heard learned advocate for the applicants, learned Additional Public Prosecutor for the State and learned advocate for the informant. Perused the Investigation papers.

4. Learned advocate for the applicants has disputed informant's possession on the said premises. He submits that civil dispute is being given colour of criminal offence. The informant has given different address of company in Form No.22 of the company registration form, and not the present address. He submits that Rajesh Patil is suffering from mental ailment and his wife has published a public notice informing the public at large not to enter into any transaction with him. According to him, applicant No.1 being a political leader, he is falsely implicated in the present crime. Investigating agency is prejudiced against applicant No.1 as he had lodged a complaint against Police Inspector from Local Crime Branch in which anticipatory bail was refused by this Court. By relying on agreement to sell executed in the year 2017, by Ghanshyam

Laxman Patil in favour of applicant No.1, he submits that applicant No.1 is in possession of the said property. He further submits that there is delay in lodging FIR, which creates doubt about the version of informant. Therefore, according to him, applicants deserve protection.

5. Learned Additional Public Prosecutor and learned advocate for the informant vehemently opposed the application submitting that there is sufficient material on record to show active involvement of applicants in the present crime. Some articles which were taken away are recovered, but some of the articles, so also vehicles used in the crime are yet to be recovered. Learned APP submits that applicant No.1 has criminal antecedents, and he does not deserve discretionary relief of anticipatory bail.

6. The record and investigation papers indicate that the informant is in possession of the said premises, which were rented out to him by the Bank, and he is running his business in the said premises. Articles like office tables, cupboards, computer, etc. were carried away at the instance of applicant No.1. Applicant No.1 had called some persons to carry away the articles from the said premises. Statements of the persons who carried away the articles from the said premises are

recorded, they have stated that applicant No.1 called them to take away the articles. Some of the articles are recovered from the said persons.

7. It appears that two vehicles i.e. white colour Hyundai Creta No. MH-19/CF-4747 and blue colour Mahindra Scorpio No. MH-19/BU-0808 used in the crime, and some articles which were taken away by applicant No.1 are yet to be recovered.

8. Applicant No.1 has following offences registered against him.

- (1) Crime No.192 of 2009 registered with Zilla Peth Police Station, Jalgaon under sections 395, 324, 143, 147, 148, 504, 506 of the Indian Penal Code.
- (2) Crime No.149 of 2010 registered with Zilla Peth Police Station, Jalgaon under sections 3/25 of Arms Act and under sections 323, 147, 148, 149 of the Indian Penal Code.
- (3) Crime No.129 of 2011 registered with Zilla Peth Police Station, Jalgaon under sections 341 of the Indian Penal Code along with section 135 of Bombay Police Act.

- (4) Crime No.161 of 2011 registered with Zilla Peth Police Station, Jalgaon under section 143 of the Indian Penal Code.
- (5) Crime No.97 of 2018 registered with Zilla Peth Police Station, Jalgaon under sections 307, 323, 324, 143, 147, 148, 149 of the Indian Penal Code.
- (6) Crime No. 99 of 2018 registered with Zilla Peth Police Station, Jalgaon under sections 143, 147, 148, 149 of the Indian Penal Code.
- (7) Crime No.155 of 2023 registered with Zilla Peth Police Station, Jalgaon under sections 354(A)(C), 427, 452, 143, 504, 506 of the Indian Penal Code.

9. The investigation papers show active role played by applicant No.1 in the crime. Custody of applicant No.1 is necessary for effective investigation. Considering these aspects, and criminal antecedents of applicant No.1, I am not inclined to grant anticipatory bail to him.

10. So far as applicant Nos. 2 and 3 are concerned, though some witnesses have stated that they were present at the time of incident, there is no material on record to show that they have carried away the articles from informant's office. In that view of the matter, their pre-trial custodial

detention is not necessary, and they can be asked to attend the police station, and co-operate in the investigation.

11. In the result, application of applicant No.1 - Vinod Panjabrao Deshmukh is rejected.

12. Application of applicant Nos.2 and 3 is allowed. In the event of arrest of applicant No.2 -Jagdish Pundlik Patil and applicant No.3 - Milind Narayan Sonawane in Crime No.0336 of 2022, registered with Ramanand Police Station, Jalgaon, for offences punishable under Sections 395, 504 and 506 of the Indian Penal Code, applicants be released on furnishing Personal Bond of Rs.15,000/- each with one surety in the like amount.

13. Till filing of the charge sheet, the applicant Nos. 2 and 3 shall attend the concerned police station as and when called by the Investigating Officer. The applicants shall not indulge in similar offence. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane