

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

**ANTICIPATORY BAIL APPLICATION NO.81 OF 2023**

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| Anant Balwant Malwankar  | ..Applicant  |
| VS.                      |              |
| The State of Maharashtra | ..Respondent |

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Adv. Kabul Singh Labana for the Applicant.  
Ms. P. N. Dabholkar, APP for the State.

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**CORAM : M. S. KARNIK, J.**

**DATE : FEBRUARY 2, 2023**

**P.C. :**

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for pre-arrest bail in respect of the offence punishable under Sections 435, 436 and 427 of the Indian Penal Code, 1860 (hereafter "the IPC", for short) in connection with C.R. No.I-391 of 2022 dated 16/12/2022 registered with Vitthalwadi Police Station.
- 3.** The allegation against the applicant is that he set a scooter belonging to the complainant on fire. The incident was recorded in the CCTV camera of one of the neighbour. The applicant was seen pouring some liquid from plastic

bottle on scooter and then setting it on fire.

**4.** Learned APP submitted that against the applicant there are as many as 15 CRs. registered under the various provisions of the IPC.

**5.** Learned counsel for the applicant submitted that the criminal antecedents which are being referred to by learned APP are not registered against the applicant but the same are registered against the brother of the applicant who is known as Jay Malwankar. He further submits that in order to falsely implicate the applicant, the investigating agency is projecting the present applicant to be Jay Malwankar. Learned counsel was at pains to submit that the present applicant is not Jay Malwankar.

**6.** The Investigating Officer has recorded the statement of the brother of the applicant who has stated that the present applicant uses different names as Jaya @ Jay @ Anant Balwant Malwankar and that he does not have any other brother by name of Jay or Jaya. He stated that it is the applicant who happens to be his real brother using these names.

**7.** In this view of the matter, I am not inclined at this juncture to accept the submission of learned counsel for the applicant that the applicant is not Jay/Jaya Malwankar. In any case, the investigation is in progress. According to learned counsel for the applicant Jay Malwankar has been acquitted in 13 cases.

**8.** *Prima facie*, I find substance in the submission of learned counsel for the applicant that Section 436 of the IPC may not attracted in the present case.

**9.** Taking an overall view of the matter, considering the nature of the accusations and having regard to the number of antecedents which are reported against the applicant, I am not inclined to grant the facility of anticipatory bail to the present applicant.

**10.** The anticipatory bail application is rejected.

**(M. S. KARNIK, J.)**