

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 850 OF 2023

Omkar Gulab Chavan ... Applicant

Versus

The State of Maharashtra and another ... Respondents

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Mr. Abdeali Kothawala alongwith Mr. Aashay Topiwala for the Applicant.
Ms. Rutuja Ambekar, APP for the State.
Mr. Vishal Hegde for the Intervenor.

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CORAM : N.R. BORKAR, J.

DATED : 5 APRIL 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 59 of 2023 registered at Nashik Road Police Station, for the offences punishable under Sections 323, 504, 506, 201, 427, 395 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the intervenor.

4. According to the complainant, on the date of incident, which took place on 9 February 2023, the present applicant with other co-

accused came to his shop and had forcibly driven him out of his shop. It is alleged that at the time of incident the applicant and other co-accused were armed with sharp weapons. The complainant has alleged that he was assaulted and robbed of about Rs. 35,000/-.

5. There appears to be a dispute between the parties in relation to the shop in question. The applicant has filed a suit for specific performance of contract and the same is pending. It appears that by order dated 11 November 2022 the complainant is restrained from interfering with the possession of the applicant over the shop in question. Considering the facts and circumstances, possibility of false implication cannot be ruled out. I am therefore inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant - Omkar Gulab Chavan in Crime No. 59 of 2023 registered at Nashik Road Police Station, for the offences punishable under Sections 323, 504, 506, 201, 427, 395 of Indian Penal Code, he shall be released on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

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DHURI

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