

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

ANTICIPATORY BAIL APPLICATION NO. 1302 OF 2023

Sunny @ Santosh Kamlesh Haryani ...Applicant
vs.
The State of Maharashtra ...Respondent

Adv. Monty Teckchandani i/by Adv. Amandeep Singh Bolle -
Advocate for the Applicant
Mr. H. J. Dedhia - APP for the Respondent-State
Mr. Suraj N. Naik i/by Mr. R. D. Suryawanshi – For Complainant

CORAM : S. M. MODAK, J.

DATE : 04th MAY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant. Heard the first informant as represented by the learned Advocate and also heard learned APP.
2. The F.I.R. has arisen on the background of not returning the tables used for various functions by the Applicant to the first informant. Both of them are in the same business of the decoration. The first informant-Rajkumar carries business in the name of Kripa Traders (Decorators). Whereas present Applicant works in the shop of Sai Kings Decorators. On account of Ganesh festival and Diwali

festival from 28/05/2022 to 03/10/2022, the first informant has given on hire 649 tables to the Applicant. The rent was agreed Rs. 1,50,000/-. The first informant has maintained the entries in rough note book. It is signed by the Applicant. Police have collected it during investigation.

3. Neither charges are paid nor the table are returned. Somehow the first informant was successful in taking back 19 tables. However 630 tables are with the Applicant. Finally, F.I.R. is registered under Sections 420, 406 of the Indian Penal Code with the Ulhasnagar Police Station. Number of contentions are raised including denying taking the tables on hire, some of the inconsistencies in the avernments in the F.I.R., I am not impressed with the said arguments. It is for the reason that not only mentioned in the F.I.R. there are also entries in the Kaccha book to that effect. The contention is also raised how come the first informant can give tables on hire to his competitors Sai King Decorators where the Applicant is working. That contention cannot be accepted, because ultimately Court cannot opined what compelled the parties to enter into that transaction.

4. The Court of the Additional Sessions Judge has dealt

with the issue about notice under Section 41 (A)(1) of the Criminal Procedure Code. Some time was granted to the learned Advocate for the Applicant to take instructions. He has taken instructions from the wife of the Applicant. No solution was worked out.

5. Considering the allegations, custodial interrogation is required as tables are to be seized. Hence no case for anticipatory bail is made out. Hence anticipatory bail application is rejected.

[S. M. MODAK, J.]