

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

ANTICIPATORY BAIL APPLICATION NO. 1627 OF 2023

Yashwant Vishwambhar Gavali	... Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 2414 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 1627 OF 2023**

Maruti Vishambhar Gavali	 Intervenor
--------------------------	-----------------

In the matter between :-

Yashwant Vishwambhar Gavali	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Abhay Khandeparkar, Sr. Advocate a/w. Mr. Rohit Mahadik
Mr. Farhan Shaikh, Mr. Rushikesh Bhagat, Mr. Saurabh Mittal
and Mr. Vaibhav Kulkarni i/b. M/s. Khandeparkar and Associates
for the Applicant.

Mr. S.H. Yadav, APP for the State.

Mr. Ritesh Thobde a/w. Mr. Sagar Tambe for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 07th JULY, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the
aforesaid Applicant apprehending his arrest in C.R.No.874/2022
registered with Mohol Police Station, Solapur Rural for offences
punishable under sections 406, 448, 504, 506 r/w. 34 of the Indian
Penal Code.

2. Heard learned senior counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Maruti Gavali, the brother of the Applicant herein. It appears that the relationship between the parties is strained over property dispute. The Complainant has alleged that about six months prior to the registration of the crime, he had handed over his vehicle to the Applicant in view of their cordial relationship. It is stated that the Applicant refused to return the said vehicle and that he abused and threatened the complainant when he requested him to return the said vehicle.

4. Learned senior counsel for the Applicant states that the complainant has handed over possession of the said vehicle to the Applicant. The Applicant is on interim bail since 09/06/2022. He has reported to the Investigating Officer and he has been interrogated.

5. Per contra, learned counsel for the Intervenor states that the Intervenor is in possession of certain photographs of the Applicant with the vehicle. He states that the said photographs will be handed over to

the Investigating Officer.

6. Learned senior counsel for the Applicant states that the Applicant is ready to appear before the Investigating Officer as and when required for the purpose of investigation and interrogation. Learned senior counsel for the Applicant further states that in Anticipatory Bail Application No.3645/2022, the Applicant has been granted bail by order dated 24/02/2023 and that one of the conditions is not to reside within the jurisdiction of Mohol Police Station for a period of six months with further direction to make appropriate application before the trial court for seeking permission to re-enter the jurisdiction of the Mohol Police Station after 06 months. He seeks modification of condition no.6(c) of the said order for the limited purpose of appearing before the Investigating Officer for interrogation.

7. Considering the nature of accusations, in my considered view, no case is made out for custodial interrogation. Hence, the interim bail granted by this Court vide order dated 09/06/2023, stands confirmed. The Applicant shall report to the Investigating Officer as and when required. Order dated 24/02/2023 stands modified to this limited extent without altering the other terms and conditions.

8. The Application as well as Interim Application stands disposed of in above terms.

**PREETI
HEERO
JAYANI**

Digitally signed
by PREETI
HEERO JAYANI
Date: 2023.07.11
11:25:45 +0530

(SMT. ANUJA PRABHUDESSAI, J.)