

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.2173 OF 2023

Dnyaneshwar Namdeo Kale

... Applicant

V/s.

The State of Maharashtra

... Respondent

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
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Mr. Prasanna Shahane for the applicant.

Mr. Amit A. Palkar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 3, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.198 of 2023 registered with Lonavala Rural Police Station for offence punishable under sections 420, 467, 468, 471, 504, 506 read with section 34 of the Indian Penal Code, 1860, the applicant is seeking relief under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, accused No.1 (father of the applicant) executed agreement to sell of the property owned by the government by accepting amount of Rs.5,20,000/-. Part of the amount was paid by cheque, part was paid by cash. According to the informant, possession of the property was delivered to the informant by the father of the applicant. When the informant started construction over the property, the applicant and his father obstructed his servants and threatened them. He, therefore, lodged

a report against the applicant and his father.

3. On perusal of the report and material on record, it appears that the allegations of cheating and acceptance of the amount are against father of the applicant (accused No.1). Role attributed to the applicant is of obstructing employees of the informant while carrying out construction and threatening them.

4. Considering role attributed to the applicant, prima facie case is made out for grant of relief under section 438 of the Criminal Procedure Code, 1973. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.198 of 2023 registered with Lonavala Rural Police Station for offence punishable under sections 420, 467, 468, 471, 504, 506 read with section 34 of the Indian Penal Code, 1860, he be released on bail on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 5th, 7th and 9th August 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;

a) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

b) The applicant shall not obstruct or hamper the police

investigation and not to play mischief with the evidence collected or yet to be collected by the police;

c) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case.

5. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)