



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 101 OF 2024

RAJU SHAIKH BABU PATEL

VERSUS

THE SUPERINTENDENT OF POLICE AND ANOTHER

...

Mr. Vijay S. Wakale, Advocate h/f Mr. Dhananjay S. Patil, Advocate
for Applicant

Mrs. S.S. Joshi, APP for Respondents/State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 03rd MAY, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.179/2023, registered with Nashirabad Police Station, Dist. Jalgaon, for offence punishable under Sections 420, 379, 406, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged on the basis of directions issued by learned Magistrate under Section 156(3) of Cr.P.C. Ravindra Dagadu Dhangar has alleged in the FIR that his brother Kiran Dagadu Dhangar was running musical band by name Zankar Band. Kiran Dhangar was owner of vehicle bearing No.MH-02-CE-0868 and on said vehicle instruments of musical band were installed. Kiran used to give said vehicle on rent to applicant accused. Amount of Rs.75,000/- was due and payable by applicant accused. Kiran Dhangar died on 07/02/2021. Applicant accused refused to pay the rent. When informant went to his house for demanding said rent

amount, at that time, applicant and other co-accused attacked on him with edged weapons and threatened him. Applicant accused neither paid rent nor returned the vehicle.

3. Heard learned advocate for applicant and learned APP for respondents/State. Perused the investigation papers.

4. It is the case of applicant that deceased Kiran Dhangar, brother of informant had obtained hand loan from applicant for which receipt-cum-agreement was executed by deceased Kiran on 05/10/2019. Said agreement contains certain conditions, one of the conditions is that if Kiran Dhangar fails to repay the amount taken as hand loan from applicant, the vehicle shall be given in the custody of applicant. Agreement also contains a clause that said agreement shall be binding on the heirs of deceased Kiran. On 31/07/2023, applicant issued legal notice to informant and his father and brother for recovery of hand loan given to deceased Kiran. Thereafter, applicant has filed R.C.S. No.211/2023 for recovery of amount of Rs.3,35,000/- given to deceased Kiran by way of hand loan and for ancillary reliefs.

5. In the aforesaid backdrop, present FIR has to be considered. There appears merit in the contention of applicant that as applicant had initiated recovery proceedings against informant and his father and brother, applicant is falsely implicated in present crime, so as to pressurise him.

6. Vehicle allegedly involved in the crime is already seized. Learned APP submits that the musical band instruments are yet to be seized. Considering the peculiar facts of present case, it is not possible to accept the said submission.

7. In the result, application is allowed by confirming interim protection granted to applicant by order dated 18/01/2024.

8. Till filing of charge-sheet, applicant shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not in any manner contact and/or influence prosecution witnesses and tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)