

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

ANTICIPATORY BAIL APPLICATION NO.311 OF 2024

Ramesh Jagannath Lavangare Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Sunil V. Bhakre, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.560/2023, dated 19/12/2023, registered with Shahupuri Police Station, Satara, under sections 461, 380, 452, 427, 506 of the Indian Penal Code.

2. Heard Mr. Sunil V. Bhakre, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

3. The FIR is lodged by one Shekhar Shedage. He has stated that he was conducting his small business in a shop at

Bhavanipeth, Satara. It was owned by the Applicant and the informant had taken it on rent in the year 2012. The informant made certain improvements spending substantial amount. In May 2022, the Applicant asked him to deposit Rs.8 lakhs and rent of Rs.8,000/- per month. On 01/12/2023 somebody tore the board on the informant's shop. On 11/12/2023, the informant came to his shop in the morning after receiving information about theft in his shop. He saw that the goods from his shop were lying scattered on the street. The amount of Rs.22,500/- which he had kept in the drawer was missing. Some other amount was also missing. The chairs, stools, ceiling fan etc. were missing. Thus, in all, the property worth Rs.29,767/- was missing. The FIR mentions that on his enquiries with the other people in the locality, he was told that the Applicant had committed this Act. The FIR further mentions that when he was going back, one unknown person stopped him and threatened him not to lodge the FIR against the Applicant. The informant was convinced that the Applicant had committed this offence and therefore he lodged this FIR.

4. Learned counsel for the Applicant submitted that the FIR is lodged on mere suspicion because there was dispute, which was raised by the informant. In fact, the shop was in the possession of the Applicant himself and therefore there cannot be theft of articles from his own shop by the Applicant. He submitted that the FIR is lodged with malafide intention to take unauthorized possession of the shop.
5. Learned APP produced investigation papers before me. There is supplementary statement of the informant recorded on 26/11/2023, in which the informant has admitted that people from the locality had not named the Applicant. Learned APP on instructions states that in this situation, the police do not want the Applicant's custody. It would be sufficient, if he cooperates with the investigation.
6. In this view of the matter, the Applicant can be protected u/s 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.560/2023, dated 19/12/2023, registered with Shahupuri Police Station, Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)