

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

[1] ANTICIPATORY BAIL APPLICATION NO.1274 OF 2023

Chandrakant Ananda Dhumale	 Applicant
Versus	
The State of Maharashtra	 Respondent

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WITH

[2] ANTICIPATORY BAIL APPLICATION NO.1275 OF 2023

Pooja Ruturaj Dhumale	 Applicant
Versus	
The State of Maharashtra	 Respondent

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WITH

[3] ANTICIPATORY BAIL APPLICATION NO.1276 OF 2023

Rekha Chandrakant Dhumale	 Applicant
Versus	
The State of Maharashtra	 Respondent

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WITH

[4] ANTICIPATORY BAIL APPLICATION NO.1277 OF 2023

Aarati Pravin Kamble	 Applicant
Versus	
The State of Maharashtra	 Respondent

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WITH

[5] ANTICIPATORY BAIL APPLICATION NO.1278 OF 2023

Ruturaj Chandrakant Dhumale	 Applicant
Versus	
The State of Maharashtra	 Respondent

.....
WITH

[6] ANTICIPATORY BAIL APPLICATION NO.1342 OF 2023

1. Pravin @ Bhaiya Shahaji Patil,
2. Vikas Shamrao Ballal,
3. Sandip Siddhappa Deshmukh, &
4. Shankar Dnyanu Mahapure Applicants

Versus
The State of Maharashtra Respondent

Mr. Ashish S. Vernekar, _____ Advocate for the Applicants in
ABA/1274/2023 & ABA/1278/2023.

Mr. Amit Icham, Advocate i/b. Aashish Satpute, for the Applicant
in ABA/1342/2023.

Ms. Rajeshree V. Newton, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th APRIL, 2024

PC. :

1. All these applications are decided by this common order because they arise out of the same subject matter. The Applicants are seeking anticipatory bail in connection with C.R. No.242/2023 registered at Islampur police station, District-Sangli on 2.4.2023 under Section 143, 147, 149, 327, 385, 427, 504, 506 of IPC and under Section 37 of the Maharashtra Police Act.

2. Heard Mr. Ashish Vernekar, learned counsel for the Applicants in ABA/1274/2023 & ABA/1278/2023, Mr. Amit Icham, learned counsel for the Applicant in ABA/1342/2023 and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by one Abhishek Patil. He has stated that his uncle Pradip Patil purchased a land at Islampur bearing Gat No.130 admeasuring 1 H 5 R. The informant's family was having possession of that land. On 27.3.2023 a private measurement of the land was carried out. However, the neighbouring land owners were not accepting the boundaries. The informant had named the land owners as the Applicants Aarati, Ruturaj, Chandrakant, Pooja and Rekha. The Applicant Pravin was supporting others as he was one of the co-sharers in Gat No.130. The incident, which is subject matter of the FIR, had taken place on 30.3.2023. The informant and his family members were raising a compound on the boundaries. The Applicants Pravin, Ruturaj and Chandrakant saw that. Ruturaj came near the informant. The others followed him and they broke his compound. They started abusing the informant. It is alleged that

Ruturaj removed a gold chain. Pooja and Aarati removed Rs.6,000/- from the informant. Ruturaj and Chandrakant removed Rs.7,000/- from Shambhuraje. All of them were threatened. The next incident took place on 31.3.2023. At that time, the Applicants Pravin, Shankar, Vikas and Sandip met him and demanded Rs.10 Lakhs and threatened that otherwise they would lodge a false case. The FIR further mentions that he came to know that the Applicant Aarati had lodged an offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the informant's uncle and his brother at Islampur police station on 1.4.2023. After that the present FIR is lodged.

4. Learned counsel for the Applicants submitted that the FIR itself mentions that the present FIR is lodged only after the Applicant Aarati had lodged her own FIR at Islampur police station. Therefore, obviously the present FIR is lodged as a counter blast to the main offence lodged by Aarati. They submitted that there is no explanation offered as to why the FIR was lodged belatedly on 2.4.2023 at about 8:25 p.m.. The

allegations in the FIR are all false. The Applicants had not taken any gold chain or amount from the informant and his relatives. All these allegations are made only to give serious colour to the false grievance so that the offence would be registered. They further submitted that the custodial interrogation of the Applicants is not necessary. The Applicants are protected by ad-interim orders dated 28.4.2023 and 23.5.2023. About more than a year has passed. The Applicants have cooperated with the investigation.

5. Learned APP, on instructions of the investigating agency submitted that the Applicants have cooperated with the investigation.

6. I have considered these submissions. The Applicants are on ad-interim protection since about a year. There are no further allegations of any other offence against the Applicants. In this behalf there is force in the submission that the present FIR is lodged only after the informant came to know that the Applicant Aarati had lodged her own FIR on 1.4.2023. Therefore, a possibility of false implication cannot be ruled out.

7. In this background, considering the vague allegations and also considering the possibility of false implication, the Applicants' custodial interrogation is not necessary. As submitted by learned APP, the Applicants have cooperated with the investigation. Therefore, in this background they can be protected under Section 438 of Cr.PC. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No.242/2023 registered at Islampur police station, District-Sangli, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The Applicants shall cooperate with the investigation.
- (iii) Anticipatory Bail Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)