

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3432 OF 2024

1. Chandrakant Dinkar Kamble
2. Sandesh Kerba Dabhade ... Applicants
Vs.
State of Maharashtra ... Respondent

Mr. Gautam J. Jain i/b. Mr. Advait Tamhankar for Applicants.
Mr. Balraj B. Kulkarni, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 17, 2024

P.C. :

. Heard Mr. Jain, learned counsel for the applicants and Mr.Kulkarni, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with FIR No.0130 of 2024 dated 23.05.2024 registered at Panhala Police Station, District - Kolhapur, for offences under Sections 323, 395, 452, 504, 506 read with 34 of the Indian Penal Code, 1860.

3. The informant, in his statement, has described the incident in question, which is said to have taken place on 19.04.2024. It is alleged that on the said date at about 7:00 a.m., the accused persons, including the applicants, reached the house of the informant and assaulted him and his wife by way of fists and kicks. They threatened them with sword and another sharp weapon. Thereafter, the accused persons took away cash amount of Rs.20,000/- and also gold jewellery from an iron locker in the house of the informant. On this basis, the aforesaid serious offences were registered against the accused persons including the applicants.

4. The learned counsel for the applicants submits that the subject FIR is highly belated and apart from the aforesaid aspect, it is also a counter-blast and an afterthought in the light of earlier FIRs registered at the behest of a co-accused person on 16.04.2024 and 23.05.2024. It is submitted that since offences were registered against the relatives of the informant herein, the subject FIR was registered on the basis of false allegations.

5. The learned APP submits that the ingredients of the offences are made out and there is specific reference to jewellery and cash amount being looted, which need to be investigated and recovered and therefore, no indulgence can be shown to the applicants.

6. Having heard the learned counsel and in the light of the material placed on record, this Court is inclined to allow the application for the following reasons:-

- a. Considering the fact that the alleged incident took place on 19.04.2024, registration of the FIR, after more than a month on 23.05.2024, demonstrates that *prima facie* it can be said that the FIR is delayed and there does not appear to be any cogent explanation for delay in registration of the FIR;
- b. FIR No.0104 of 2024 dated 16.04.2024 and FIR No.0129 of 2024 dated 23.05.2024, both, registered at the behest of co-accused person against close relatives of the informant herein, were lodged prior to registration of the subject FIR. In the said two FIRs, offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were registered. *Prima facie*, there is substance in the contention raised on behalf of the applicants that the subject FIR can be said to be an afterthought and a counter-blast to the two FIRs registered prior in point of time;

c. The applicants are ready to co-operate with the investigation.

7. In view of the above, the application is allowed in the following terms:-

- A. In the event the applicants are arrested in connection with FIR No.0130 of 2024 dated 23.05.2024 registered at Panhala Police Station, District - Kolhapur, they shall be released on bail on furnishing PR Bond of Rs.25,000/- each with one or two sureties in the like amount;
- B. The applicants shall remain present before the investigating officer on 19.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. They shall co-operate with the investigation;
- C. The applicants shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

8. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

9. The anticipatory bail application is disposed of.

(MANISH PITALE, J.)