

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

ANTICIPATORY BAIL APPLICATION NO. 462 OF 2024

Rama Hanumant Kamble Applicant

Versus

The State of Maharashtra Respondent

YUGANDHARA
SHARAD
PATIL

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Mr. Ghanasham Jadhav, for the applicant.

Mr. Pankaj Deokar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 16th FEBRUARY, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1258 of 2023 registered at Indapur Police Station, on 30/11/2023, under section 381 of the Indian Penal Code.

2. Heard Mr. Jadhav, learned counsel for the applicant and Mr. Deokar, learned APP for the State.

3. The FIR is lodged by one Amol Paval. The applicant was working as a driver on his tractor. The informant was using that tractor for cutting the sugar cane and for supplying them to

M/s Neera Bhima Sugar Factory. On 29/11/2023, at about 7.30 p.m., the applicant came to the informant's house at Bhodni, Shahaji Nagar. At that time, the informant, his wife, his brother's wife Komal and his brother in law Vivek Kadam were in the house. The informant was feeding his pets. The ladies were busy in the household work. The brother- in-law of the informant was playing with the children. The applicant was watching T.V. After some time, the brother in law of the informant told him that the applicant was looking for something in the cupboard. He had kept the locker open and had left. The informant took search and realised that the cash amount of Rs. 60,000/- as well as one gold ornament worth Rs. 18,000/- were missing. On this basis the FIR is lodged.

4. Learned counsel for the applicant submitted that the description in the FIR itself shows that the allegations are not true. It was not possible for anybody to commit any offence in the presence of the family members in the house. He submitted that the applicant had joined the services of the informant two months

prior to the incident but he was not paid his salary. The applicant had therefore left the job. Keeping this grudge in mind, this false complaint was lodged against the applicant. The applicant had not committed any offence.

5. Learned APP relied on the allegations in the FIR. He produced the investigation papers which contain statements of all the family members.

6. I have considered these submissions. The description of the incident in the FIR and the statements of the eye witnesses are difficult to believe. The statement of the brother-in-law of the informant Vivek Kadam is important. It was this witness who had told the informant about the applicant's activities in their house. It is not believable that this witness Vivek Kadam could only see the applicant searching in their cupboard. He did not stop the applicant from doing so; instead, he went to the informant and told him that the applicant was searching in the cupboard and then he had left the place. This conduct is not believable.

Therefore there is substance in the submissions of the learned counsel for the applicant that there is a strong possibility that the applicant is falsely implicated because of the dispute between the informant and the applicant.

7. In this view of the matter, the custodial interrogation of the applicant would not be justified. Hence, the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No.1258 OF 2023 registered at Indapur Police Station, 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.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)