

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

ANTICIPATORY BAIL APPLICATION NO.645 OF 2024

Radha Laxman Devkar	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.646 OF 2024**

Shital Mahesh Ghumare	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.649 OF 2024**

Varsha Atish Devkar	 Applicant
versus	
State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.650 OF 2024**

Laxman Nana Devkar	 Applicant
versus	
State of Maharashtra	 Respondent

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- Mr. Milind Deshmukh, Advocate for Applicant.
- Mr. Nitin B. Patil, APP for the State/Respondent in ABA/645/24, ABA/646/24 and ABA/650/24.
- Ms. Rajeshree V. Newton, APP for the State/Respondent in ABA/649/24.

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CORAM : SARANG V. KOTWAL, J.
DATE : 07th MARCH, 2024

P.C. :

1. All these applications are decided by this common order because they arise out of the same registered offence.
2. The Applicants are seeking anticipatory bail in connection with C.R.No.32/2024, dated 15/01/2024, registered with Mahalunge MIDC Police Station, Pimpri Chinchwad, under sections 143, 147, 149, 395, 397, 427 of the Indian Penal Code.
3. Heard Mr. Milind Deshmukh, learned counsel for the Applicant and, Mr. Nitin B. Patil and Ms. Rajeshree V. Newton, learned APP for the State.
4. The FIR is lodged by one Bharat Aswani. He has stated that he is in business of restaurant and bar. His Sheetal Restaurant and Bar was at Capital Square, Village Nighoje, Taluka Khed, Pune. He had 12 employees working there. On 14/01/2024 at about 09.15 p.m. two persons came to his restaurant. They consumed liquor. The informant wanted to

close his restaurant. There was some quarrel between them. One of them threatened the informant. After closing the restaurant, the informant was about to go home. Those two persons were waiting outside. They again started fighting with the informant, who called the police. In the meantime, he pushed them. One of those two persons fell down. The informant started going away from there. After some time, he received a phone call from police. He told the police that he would lodge the FIR on the next day. After some time his neighbouring shop owner called him telephonically and told him that somebody had pelted stones on his restaurant and had broken a glass. On the next day i.e. on 15/01/2024, the informant went to his restaurant in the morning. He was carrying Rs.15,000/- in the denomination of Rs.100/- to be used during the day. Suddenly, 5 men and 4 ladies came near his counter and started abusing him. They were referring to the incident in the night. The FIR thereafter mentions that the two younger persons amongst them were more aggressive. One of the threw a glass towards him. The other one tried to pull him outside. It is alleged that the informant's gold chain was broken and one of them took away

Rs.10,000/- which had fallen down on the floor. They damaged the restaurant. In the meantime the police came there. All the present Applicants were questioned. The younger men ran away. On this basis, the FIR is lodged.

5. Learned counsel for the Applicants submitted that the informant is not telling the true story. The informant had assaulted one Atish on the previous night and therefore his family members i.e. the present Applicants and others had gone to question the informant and at that time the incident had taken place. The Applicants have not played any part in damaging the restaurant or taking away money. The Applicants were very much present at the spot, but they were not arrested. He submitted that three of the Applicants are ladies and the Applicant Laxman is the father of Atish, but he had not played any major role.

6. Learned APP opposed these submissions and produced the investigation papers before me. He relied on the statement

in the FIR as well as on the statements of the employees of the restaurant.

7. I have considered these submission. The employees have seen the incident and they have supported the informant's case described in the FIR. The police have recovered the CCTV footage. From the narration of the incident, it is clear that the main role was played by two persons, who ran away. Money was taken by them. It is significant to note that the Applicants were very much at the spot when the police had arrived there. In spite of there presence, the police did not choose to arrest them. The informant was also there. Therefore, the police knew what had happened. Even then the Applicants were not arrested. Therefore, there is no real necessity to arrest them, after about more than 1 ½ months from the date of incident. The Applicants have not played any major role in the incident. Three of the Applicants are ladies. Neither of the Applicants has taken away the money from the informant. The informant has not suffered any serious injury.

8. Considering all these factors together, the Applicants can be protected u/s 438 of Cr.PC.

9. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.32/2024, dated 15/01/2024, registered with Mahalunge MIDC Police Station, Pimpri Chinchwad, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)