

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

ANTICIPATORY BAIL APPLICATION NO.1114 OF 2024

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Umesh Ramchandra Chandwani

...Applicant

versus

The State of Maharashtra

...Respondent

**WITH
INTERIM APPLICATION NO.1828 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1114 OF 2024**

Nikhil Balram Popatani

In the matter between

Umesh Ramchandra Chandwani

..Applicant

versus

The State of Maharashtra

.... Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.699 OF 2024**

Anil Ramchandra Chandwani

..Applicant

versus

The State of Maharashtra

.... Respondent

**WITH
INTERIM APPLICATION NO.1510 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.699 OF 2024**

Nikhil Balram Popatani

In the matter Between

Anil Ramchandra Chandwani

....Applicant

versus

The State of Maharashtra

.... Respondent

Ms. Shubdha D. Khot a/w Ameeta Kuttikrishnan a/w Danish Patel a/w Shambhau Desai a/w Shruti Jagtap for the Applicant in both the ABA's.

Smt. Madhvi H. Mhatre, APP for the State/Respondent in ABA/1114/2024.

Ms. Poonam P. Bhosale APP for the State/Respondent in ABA/699/2024.

Mr. Vikram S. Undre (Appeared through V. C.) for intervener in both ABA's.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th APRIL, 2024

P.C. :

1. In both these anticipatory bail applications, a common order is passed because they arise out of the same registered offence. The Applicants are seeking anticipatory bail in connection with C.R. No.36 of 2024 registered with Karad City Police Station, Satara on 12th January 2024 under Sections 323, 324, 341, 395, 397, 504, 506 of the IPC.
2. Heard, Ms. Shubdha Khot for the Applicants, Ms. Madhavi Mhatre and Ms. Poonam Bhosale, learned A.P.P. for the State, and Ms. Vikram Undre for the informant.
3. The FIR is lodged by one Nikhil Popatani on 12th January

2024. He has stated that he was looking after the Court matters of one Anil Basantani. There was a civil dispute pending with Anil Basantani on one side and both the applicants on the other. Anil Basantani had given an application in the form of complaint to the Superintendent of State Excise Department, Satara against the Applicant Umesh Chandwani on the allegations that he had constructed unauthorized structure and he had obtained the license and permits illegally. That application was made on 5th January 2024. On 11th January 2024, at about 1.30 p.m. when the informant was in the office, he received a phone call from Mehbub Shaikh. He told the informant that Umesh Chandwani, his companion and the Officers from Excise Department had gathered on the plot of Anil Basantani. The informant went near the spot. While going, he carried a bag containing cash. When he was passing from near that spot, he saw that both the Applicants, Vaibhav Mane and others were present. The Applicant Umesh Chandwani saw the informant. He shouted that the informant should be caught. The informant rushed ahead on his two wheeler. He was chased by the accused

in two cars. Both the Applicants were in one car. They intercepted the informant's two wheeler. The Applicant Umesh Chandwani was having a sickle, Anil Chandwani was having a hockey stick and one Anna was having a wooden stick. They confronted the informant. Umesh Chandwani gave a blow with the sickle on the informant's head and Anil Chandwani and Anna assaulted him with sticks. The informant suffered bleeding injury. Applicant Anil Chandwani continued beating him. The others who had come in the second car came near the informant and started beating him. The Applicant Umesh Chandwani removed the informant's gold ring and mobile phone. He took away cash of Rs.3,82,000/- carried by the informant in his bag. The informant went away from there on his two wheeler to Karad City. He was sent for medical treatment. He went to the hospital with his younger brother Akshay. Aforementioned Anil Basantani and his brother Sunil Basantani came to the hospital and they admitted the informant to another private hospital at Karad. On this basis, an FIR is lodged.

4. Learned counsel for the Applicants submitted that the

allegations are vague. Both the Applicants had disputes with Anil Basantani. The present FIR is lodged at the behest of Anil Basantani. Both the Applicants were not present at the spot at the time of incident. They were elsewhere during that exact time. They have strong alibi supported by definite material. It demonstrates that it is a false case. The informant has not suffered serious injuries. The allegation of removing cash and other articles is false. There was no reason for the informant to have carried such a big amount to the plot where he allegedly knew that the Applicants and others were present, who were on inimical terms with Anil Basantani. He submitted that the Applicant Anil Chandwani was present in his wine shop on that particular day from 11.30 a.m. to 4.00 p.m. His presence is captured in the CCTV footage. He was continuously present in the shop. She submitted that no occasion to manipulate this CCTV footage arose. The Applicant was called at the Police Station in the evening and he was detained there. At that time itself, the family members of the Applicant Anil Chandwani had brought the CCTV footage to show it to the investigation agency.

They could not have manipulated it. She further submitted that the Applicant Umesh Chandwani was at State Excise Office which is 50 kms. away from the spot of the incident, at the time of the alleged incident.

5. Learned APP opposed these submissions. She produced the investigation papers which contain transcript of the CCTV footage of the wine shop referred to by the learned counsel for the Applicants. She submitted that the CCTV footage supports the case of the Applicant Anil Chandwani to a certain extent. At this stage, the veracity of the CCTV footage will have to be tested. She submitted that there is no such definite material as far as Umesh Chandwani is concerned. There is no witness who had seen him at the Collector's Office.
6. Learned counsel for the first informant submitted that the Applicant Anil Chandwani's wine shop is within the perimeter of 10 to 15 kms. and, therefore, it was not difficult for him to come to the spot, commit the offence and get back to his shop. At this stage, his alibi cannot be relied on. He further submitted that there is no such material available in favour of the

Applicant Umesh Chandwani.

7. I have considered these submissions. The medical certificate issued by the hospital mentions that the injury was grievous. There was a bleeding head injury and a right eye injury. This certificate does not clearly state that the actual damage was in fact caused to make the injury fall within the meaning of grievous hurt defined under Section 320 of the IPC.
8. The question at this stage is as to whether the Applicants have made out a case for possible false implication. The CCTV footage Panchanama of the wine shop of the Applicant Anil Chandwani is very important. As mentioned earlier the wine shop had a CCTV and has captured the entire day's business. CCTV footage is from 11.30 a.m. to 4.00 p.m. on that date i.e. 11th January 2024. It shows that the Applicant was present in the shop throughout. He was identified by the witness Prakash Desai. Therefore, there was no occasion for the Applicant Anil Chandwani to leave for the spot and commit this offence. To that extent, there is a material in favour of the Applicant Anil Chandwani that he might not have committed that offence.

9. If Anil Chandwani's alibi raised doubt about his involvement, then the other allegations made by the first informant become doubtful. The allegations regarding the presence of the other Applicant Umesh Chandwani becomes doubtful too. Medical certificate does not show any injuries caused by hockey stick and wooden stick. Therefore, there is a possibility of exaggeration. Since there is a reasonable doubt about their involvement, the Applicants need to be protected under Section 438 of the Cr.Pc.

10.Hence, following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. 36 of 2024 registered with Karad City Police Station Satara Police Station, the Applicants are directed to be released on bail on their executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) each with one or two sureties each in the like amount.
- (ii) The Applicants shall attend the concerned police station and shall co-operate with the investigation.
- (iii) All these observations are made only for the

purpose of deciding these applications.

- (iv) Both the Anticipatory Bail Applications stands disposed of accordingly.
- (v) With the disposal of the anticipatory bail applications, the intervention applications are also disposed of.

(SARANG V. KOTWAL, J.)