

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

ANTICIPATORY BAIL APPLICATION NO. 1096 OF 2024

Pawan Sriram Gupta

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. R. R. Mishra a/w. Dhruv Yadav for Applicant.

Ms. Rajeshree V. Newton, APP for State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 22 APRIL 2024

P.C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.296 of 2024 registered at Wakola Police Station, Mumbai, on 12.03.2024, under Section 406 of the Indian Penal Code.

2. Heard Mr. Mishra, learned counsel for the applicant. Learned APP seeks time as the investigating officer is not present. Therefore, I have heard the parties for consideration of ad-interim relief.

3. The F.I.R. is lodged by one Gayaram Yadav. He

submitted that the present applicant was his landlord. The informant had purchased a rickshaw in the year 2018. He was plying that rickshaw for his livelihood. He had purchased that rickshaw by taking loan. He was paying the installments.

4. On 17.04.2021, the informant had to go to his native place because his uncle had passed away. While going, he gave that rickshaw to the applicant for safe keeping. The applicant suggested that, he would ply that rickshaw and would pay Rs.6000/- p.m. to the informant. Therefore, the informant gave that rickshaw to the applicant and went to his native place. He fell ill there. He came back in January 2023. He met the applicant and demanded back his rickshaw. The applicant asked him to pay the arrears of rent of his room. The applicant did not return that rickshaw to the informant. On these allegations the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the informant had not paid rent for a period of two years which amount is more than Rs.2 lakhs. To avoid making payment of that rent, this false case is lodged. It is unbelievable that for two years

the informant would not have taken any steps to recover possession of his rickshaw.

6. Considering these submissions, learned counsel for the applicant has made out a case for grant of ad-interim relief.

7. Hence, the following order.

ORDER

- i) In the event of his arrest in connection with C.R.No.296 of 2024 registered at Wakola Police Station, Mumbai, till the next date, the Applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) This order shall operate till 18/06/2024.
- iii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- iv) Stand over to 18/06/2024.

(SARANG V. KOTWAL, J.)