

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

ANTICIPATORY BAIL APPLICATION NO.1096 OF 2024

Pawan Sriram Gupta
versus
State of Maharashtra

.... Applicant
.... Respondent

.....

- Mr. R. R. Mishra, Advocate for Applicant.
- Mr. Vinit A. Kulkarni, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 25th JULY, 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. R. R. Mishra, learned counsel for the Applicant and Mr. Vinit A. Kulkarni, learned APP for the State.
3. The F.I.R. is lodged by one Gayaram Yadav. He has stated that the 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.

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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 informant was willing to pay rent, but 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 the rent for a period of two years. The rent which was unpaid, was to the tune of Rs.2,40,000/-. 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 or to take money which was promised to be paid by the Applicant per month to him.

6. On the previous occasion, I had protected the Applicant by way of ad-interim relief with directions to attend the concerned police station as and when called.
7. Learned APP submitted that the Applicant was called to the police station on four occasions. Out of which, he had attended only on two occasions. Learned APP submitted that the Applicant has not returned the Rickshaw to the informant.
8. I have considered these submissions. The Applicant's case is that the entire FIR is false. The Rickshaw was never given by the informant to the Applicant. There is no document showing that fact. The FIR itself mentions that there were arrears of rent which were to be paid by the informant to the Applicant.
9. In this background, I find substance in the submissions of learned counsel for the Applicant. The Applicant has attended the police station on two occasions. Even subsequently the Applicant can be called by the police to attend the police station

if necessary. In this view of the matter, the Applicant's custodial interrogation will not be necessary. He can be protected u/s 438 of Cr.P.C.

10. 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, 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 and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)