

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1354 OF 2024**

Popat Ramchandra Shende	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Rishikesh Mohite a/w. Mr. Vishal Waghela for applicant.

Mr. Sagar R. Agarkar, APP for respondent-State.

**CORAM : MANISH PITALE, J.
DATE : 05th JULY, 2024**

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. At the outset, the learned counsel for the applicant relied upon order dated 20.06.2024 passed by this Court in Anticipatory Bail Application No.1592 of 2024, whereby this Court allowed the anticipatory bail application of the co-accused person i.e. the son of the present applicant. It is submitted that the applicant is raising the same contentions about delay in registration of FIR and that the amounts paid by the informant were towards rent for poclain machine given on rent by the applicant to the informant.

3. The learned APP submitted that the distinguishing feature is that the amounts were transferred by the informant in the account of the applicant i.e. accused No.1 before this Court.

4. This Court is of the opinion that merely because amounts were transferred in the account of the applicant in the present application, it

cannot be claimed that the same is a distinguishing feature as compared to the case of accused No.2, whose application for anticipatory bail was granted by this Court by the aforesaid order.

5. The case of the informant was already noted in the said order of this Court and the striking feature noticed in the present case was that while the informant himself claims that he paid the last tranche of amount on 22.12.2022, leading to total amount of ₹ 29 lakhs towards purchasing the poclain machine, he approached the police for the first time on 14.02.2024 i.e. more than one year after the last payment, raising his grievance against the accused persons.

6. Apart from this, the documents placed on record, particularly at Exhibits D, F and G *prima facie* indicate that when the applicant pursued the informant to pay the balance amount towards rent, he turned around to lodge the FIR against the accused persons, claiming that he had purchased the poclain machine.

7. Apart from the fact that the present application deserves to be allowed on parity, the present applicant has also made out a *prima facie* case as it appears that the FIR has been lodged as a counterblast.

8. In view of the above, the application is allowed in following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0112 of 2024 dated 14.02.2024 registered at Police Station Khed, District Pune Rural, he shall be released on bail on furnishing PR Bond of ₹ 50,000/- (Rupees Fifty Thousand only) and one or two sureties in the like amount to the satisfaction of the trial Court;

- (ii) the applicant shall remain present before the Investigating Officer on 08.07.2024 and thereafter, as and when the Investigating Officer calls upon him to remain present;
- (iii) the applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case;
- (iv) the applicant shall co-operate with the investigation and also in the proceedings before the trial court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. Needless to say, the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli