

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1869 OF 2024**

Ashok @ Ashokkumar Nanu Rathod	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Shailesh S. Kharat for applicant

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. B. S. Songle, PSI, Vadgaon-Maval Police Station, District Pune Rural.

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

P.C. :

. In this application, on 01.08.2024, this Court had granted interim relief in favour of the applicant. He was directed to appear before the investigating officer on 03.08.2024 and thereafter, as and when called by the investigating officer. The learned APP, on instructions, submitted that the applicant did appear before the investigating officer and that he has also handed over the notarized document, which finds mention in the FIR.

2. In the present case, the informant is the wife of the person, who was allegedly forcibly taken away from his house. The informant has referred to presence of three unknown persons, who claimed to be police personnel and forcibly took away her husband. The FIR was registered against the three unknown persons. But eventually, the names of the accused persons were added, including that of the applicant. This aspect was taken into consideration while granting interim relief in favour of the applicant. Another aspect that was taken into consideration was a specific statement

made in paragraph No.5 of the present application to the effect that the applicant had remained present before the concerned police station, when notice under Section 41A of the Criminal Procedure Code, 1973 (Cr.P.C.) was received. It was specifically stated that the applicant was not taken into custody on account of his health condition and he was allowed to go.

3. Today, this Court put a specific query to the learned APP as regards the correctness of the aforesaid statement made in paragraph No.5 of the application. On instructions, the learned APP submitted that the aforesaid statement was correct. This shows that the applicant did initially co-operate with the investigation.

4. The learned counsel for the applicant reiterated the submissions made before this Court, when this Court granted interim relief in favour of the applicant. But, the learned APP invited attention of this Court to the statement of the victim i.e. the husband of the informant, who was forcibly taken away on the date and time of the incident. It is submitted that a perusal of the said statement would show involvement of the applicant in the incident and therefore, no indulgence may be shown. It was also submitted that the applicant is originally a resident of Karnataka and hence, there is possibility of the applicant absconding, in the event the present application is allowed.

5. This Court has considered the statement of victim. The said statement indeed shows the presence and involvement of the applicant, after the victim was forcibly taken away from his house and when a notarized document was allegedly forcibly got executed from him. To that extent, there is substance in the contention raised by the learned APP.

6. Nonetheless, there appears to be a property dispute in the backdrop of this case, wherein the wife of the applicant claims to have transferred certain amounts in favour of the victim. The applicant initially did appear before the police station in response to the notice issued under Section 41A of the Cr.PC. Even after the interim relief was granted in favour of the applicant, he had appeared before the investigating officer as and when called and he also handed over the notarized document, which finds mention in the FIR. Hence, there are sufficient indications about the fact that the applicant has co-operated with the investigation. Therefore, this Court is inclined to allow the present application.

7. But, appropriate directions will have to be issued to address the apprehension expressed by the learned APP about possibility of the applicant not co-operating with the investigation in future or absconding, as he is a resident of Karnataka.

8. At this stage, the learned counsel for the applicant took instructions and on that basis, gave the details of address at which the applicant presently resides in Pune. The said address reads as follows:

Add: Mahaganga Colony, Lane No.2,
Plot No.2, Behind B. T. School,
Pimpri, Pune-17.
Mob. 94495 33339

9. On instructions, a statement is made by the learned counsel for the applicant that till filing of chargesheet, the applicant will not move outside

Pune District and he shall co-operate with the investigation. It is further undertaken that the applicant will be available at the above-quoted address and mobile phone, so that he is available as and when the investigating officer requires his presence. This would sufficiently take care of the apprehension expressed by the learned APP.

10. In view of the above, the interim order granted on 01.08.2024 is confirmed and the application is allowed, subject to following additional conditions:

- (i) The applicant shall continue to co-operate with the investigation and he shall remain present before the investigating officer as and when called.
- (ii) As per the undertaking given to this Court, during the course of investigation and till filing of chargesheet, the applicant shall continue to reside at the above-quoted address and he shall be available on the above-quoted mobile number. In the event there is any change in the address and mobile number, he shall forthwith update the same with the investigating officer.
- (iii) During the course of investigation and till filing of chargesheet, the applicant shall not leave Pune District.

11. The application is disposed of in above terms.

(MANISH PITALE, J)

Priya Kambli