

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

ANTICIPATORY BAIL APPLICATION NO. 2727 OF 2024

1. Rajaram Pandurang Barche	
2. Dhondiram Suryabhan Phale	...Applicants
Versus	
The State of Maharashtra	...Respondent

- Mr. Satyavrat Joshi a/w Mr. Samay Pawar, Ms. Reena Prajapati and Ms. Disha Rathod, for Applicants.
- Ms. R.V. Newton, APP for Respondent – State.
- Mr. D.R. Khade, H.C., Baramati City Police Station.

CORAM : MANISH PITALE, J.

DATE : 09th OCTOBER, 2024.

P. C. :

1. Heard, Mr. Joshi, learned counsel for the applicants and Ms. Newton, learned APP for the respondent-State.

2. The applicants are apprehending arrest in connection with First Information Report No.0602 of 2024, dated 01.08.2024, registered at Baramati City Police Station, District Pune Rural, for offences under Sections 506, 504, 420 and 380 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The informant gave a statement to police, which led to registration of the FIR, wherein he claimed that the accused persons conspired to arrange for solemnization of his marriage with accused No.1 and they charged amount of ₹ 4 Lakhs. It was alleged that after marriage, on that very

night, the accused No.1 with whom the informant was married, took away jewellery belonging to the mother of the informant. It is further alleged that when the informant approached the other accused persons, particularly co-accused shown at Sr. No.2 to 4 and the applicants, they did not respond positively and in fact, told him not to approach the police as they had connections in high places. The informant eventually did approach the police on 13.10.2023, but when no action was taken in that regard, he was constrained to move an application under Section 156 of the Code of Criminal Procedure, 1973 (CrPC) before the concerned Magistrate and thereafter, the subject FIR was registered.

4. The learned counsel for the applicants submits that even if the statement of the informant, leading to registration of the FIR, is to be taken into consideration, the active involvement of the co-accused persons is made out. It is submitted that even the amount of ₹ 4 Lakh was paid to co-accused No.2 and not to the applicants. There is no material to link the applicants with the co-accused persons in the context of the offences registered in the present case.

5. On the other hand, the learned APPP relies upon investigation papers and further informs this Court that the accused No.4 has been arrested in the context of similar *modus operandi* adopted in District Jalna. It is

submitted that therefore, the applicants can be said to be members of the gang, who do not deserve any indulgence.

6. While the present application can be kept pending and since the applicants have undertaken to cooperate with the investigation, this Court is inclined to grant interim relief to the applicants for the following reasons :

- (i) The statement of the informant itself indicates that the amount of ₹ 4 Lakhs was actually given to accused No.2.
- (ii) The allegations against the applicants appear to be limited to they being in touch with the co-accused persons. After the incident of theft, there is an allegation that one of the applicants threatened the informant not to approach the police or raise any grievance for the reason that the accused persons had connections in high places.
- (iii) Even according to the informant, the first occasion on which he approached the police on 13.10.2023, which is about 3 ½ months after the alleged incident.
- (iv) The applicants have undertaken to cooperate with the investigation.

7. In view of the above, there shall be interim order in the following terms :

- (A) Till the next date of listing, in the event the applicants are arrested in connection with FIR No.0602 of 2024, dated 01.08.2024, registered at Baramati City Police Station, District Pune Rural, they shall be released on bail, on furnishing PR Bonds of ₹ 25,000/- each and one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicants shall remain present before the Investigating Officer on 11th October, 2024 and 12th October, 2024, between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicants shall cooperate with the investigation.
- (D) The applicants shall not tamper with the evidence in any manner. They shall not influence the informant, witnesses or any other persons concerned with the case.
7. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
8. List the application for further consideration on **19th November, 2024, “High on Board.”**

(MANISH PITALE, J.)