

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3192 OF 2024**

Rohit Harish Rithe	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Vishal Kolekar for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

Mr. Shabbir Shaikh, PSI, Vishrantwadi Police Station, District Pune City.

CORAM : MANISH PITALE, J.

DATE : 02nd DECEMBER, 2024

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0324 of 2024 dated 07.10.2024, registered at Vishrantwadi Police Station, District Pune City for offences under Sections 406, 420, 384 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The informant has raised a grievance that between 17.02.2020 and 01.01.2022, the applicant, alongwith an unknown accused person, took huge amounts of money from the informant under the pretext of helping the informant settle his dispute with a lady. It is also alleged that during the process, the applicant, in connivance with the unknown accused person, threatened the informant and extorted huge amounts of money.

4. The learned counsel for the applicant submits that the FIR has been registered in the backdrop of a grudge of the informant against the applicant, as the applicant, being a member of scheduled caste

community, had married the cousin sister of the informant. He submits that the FIR is hopelessly belated.

5. The learned APP submits that the FIR was registered on the basis of an order passed by the Jurisdictional Magistrate on an application moved by the informant under Section 175(3) of the Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS). It is submitted that the FIR does disclose the ingredients of the offences registered against the applicant.

6. This Court is inclined to allow the application for the following reasons:

- (a) The FIR appears to be belated, for the reason that for the incidents that allegedly took place between 17.02.2020 and 01.01.2022, the FIR has been registered on 07.10.2024 i.e. after almost 3 years. Even if the order of the concerned Magistrate dated 23.09.2024, directing registration of FIR, is to be taken into consideration, it is clear from therefrom that the application under Section 175(3) of the BNSS itself was moved in the year 2024.
- (b) Even if the theory of personal grudge sought to be raised on behalf of the applicant, is to be discounted, the delay in registration of FIR in the present case, cannot be ignored.
- (c) The tenor of FIR indicates that huge amount was allegedly extorted and taken away by the applicant in connivance with unknown accused person, upto January 2022. If that was indeed the case, the informant would have moved the police machinery or at least approached the Jurisdictional Magistrate within reasonable period of time. In this backdrop, it can be said that the informant may have caused the FIR to be registered, in the backdrop of the grudge against the applicant.

7. For the aforesaid reasons, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0324 of 2024 dated 07.10.2024, registered at Vishrantwadi Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with 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 05.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (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.

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

9. It is also clarified that 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.

10. The application stands disposed of.

(MANISH PITALE, J)