

Vidya amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 644 OF 2014

Iqbal Ayub Pedekar ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Aniket U. Nikam, Advocate for the applicant.
Ms. Alpa Javeri, APP for the State.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 30th June, 2014.

P.C.

This Application is moved by the applicant/accused under section 438 of the Cr. P.C. The applicant/accused is prosecuted for the offences punishable under sections 335, 354, 371, 504, 506 of the Indian Penal Code. The offence is registered at C.R. No. 20 of 2014 with Ratnagiri Rural Police Station. The complainant has given the FIR on 5th April, 2014 and the incident has taken place on 30th March, 2014.

2. It is the case of the complainant that her husband was using one Honda City car bearing no. MH 08/Z/1993 and the applicant/accused, who is the friend of her husband, is the owner of that vehicle. Her husband could not pay few installments in time of the said car, therefore, on 30th March, 2014 when the complainant and her husband were to going to Ratnagiri from Kolhapur, the applicant/accused suddenly arrived, at that time the complainant was alone in the car and

he took away the car. When she shouted, he stopped the car at Hatkhamba and abused her and then he pushed her out of the car and ran away with the car. It is the case of the complainant that along with the car her many valuables as mentioned in the FIR are also taken away by the applicant/accused. Hence, she gave the complaint.

2. The learned counsel for the applicant/accused has submitted that the charges levelled against the applicant/accused are false. The FIR is lodged after 5 days. The allegations of taking away the articles are also false. He submitted that the said car stands in the name of applicant/accused and the complainant's husband was using the said car, as they are business partners. The learned counsel further submitted that the applicant is ready to cooperate the police and would obey the terms and conditions, if anticipatory bail application is allowed.

3. Learned APP opposed the Application. She relied on the police papers. She submitted that Rs.4,00,000/- are paid by the husband of the complainant towards the installment of the said car.

4. Perused the FIR. There is a delay of 5 days in lodging FIR. In view of the contents in the FIR and the submissions of the learned counsel for the applicant, I am inclined to grant pre-arrest bail to the

applicant/accused on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicant/accused be enlarged on bail on furnishing P.R. Bond of Rs.15,000/- with one or two sureties in the like amount.
- (ii) The applicant/accused shall not tamper with the evidence.
- (iii) The applicant/accused shall not harass or pressurize the complainant.
- (iv) The applicant/accused shall attend the concerned police station on every Friday between 4 p.m. to 5 p.m. and shall cooperate with the Investigating officer.

6. The Application stands disposed of accordingly.

(MRS. MRIDULA BHATKAR, J.)