

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

ANTICIPATORY BAIL APPLICATION NO. 1372 OF 2015

Ashpak Sharakat Choudhary

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. V. V. Purwant i/by R. D. Suryawanshi, Advocate for the Applicant.

Smt. P.P.Shinde, A. P.P. for the Respondent – State.

Mr. Tushar Ramchandra Salunkhe, Senior PI, Rabodi Police Station is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 15th SEPTEMBER, 2015

P.C. :

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

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-383 of 2014 registered with the Rabodi Police Station, for the alleged offence punishable under Section 395 r/w. section 34 of the Indian Penal Code.

3 The complainant is one Shameem Abdul Gani Kureshi, who has lodged a complaint on 27th December, 2014.

In the complaint, the complainant has alleged that on 26th December, 2014 at about 11.30 p.m., the present applicant alongwith 7 to 8 unknown persons came on a motor cycle, entered his hotel and assaulted him. It is alleged by the complainant that the present applicant snatched a sum of Rs. 16,000/- from the complainant forcibly and thereafter, all the persons left the spot.

4 Learned Counsel for the applicant submitted that the applicant has completed his education in Hotel Management and is running his ancestral business of Timber Mart, in the name and style of “Azad Charkol Depo” and a bakery by the name “New Quality Bakery”. He submits that in view of an earlier civil dispute between the complainant and the applicant, the complainant has lodged a false complaint as against the applicant. He submits that the allegation of snatching Rs. 16,000/- from the complainant is, on the face of it, a false and baseless allegation.

5 Learned APP submits that it appears that some incident took place on the said date and time and that the complainant had received simple injuries in the said incident.

6 Perused the papers. There appears to be some dispute between the parties. Considering the nature of the allegations as against the applicant and the background of the

case, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall not tamper or attempt to influence the complainant, or the witnesses or any other person concerned with the case.
- (iii) The applicant shall co-operate with the conduct of the trial.

7 The application is disposed of accordingly.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

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CERTIFICATE

*Certified to be true and correct copy of the original
signed order.*
