

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

2 CRIMINAL APPLICATION NO. 1243 OF 2017

JAKIR HUSAIN S/O. MOHAMMAD KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA

Shri. C.R. Deshpande, Advocate, for applicant.

Shri. S.M. Ganachari, Additional Public Prosecutor, for
respondents.

Coram: T.V. NALAWADE, J.

Date: 29 March 2017

ORDER:

1) The application is filed for relief of anticipatory bail in Crime No.20/2017 registered in Nandurbar Town Police Station for offences punishable under sections 354, 323, 504, 506 of the Indian Penal Code. Both the sides are heard.

2) Crime is registered on the basis of report given by the prosecutrix in respect of incident dated 22-1-2017. Allegations are made that the present applicant had demanded amount of Rs.96,000/- from her and he has

promised to sell one plot to the prosecutrix. It is her case that amount of Rs.6,000/- was to be given to the present applicant as remaining amount but subsequently the applicant refused to sell the plot. She made inquiry and questioned him. It is her case that during quarrel he misbehaved with her and then she approached the police and report was given on the same day.

3) The learned counsel for the applicant submitted that the prosecutrix had filed a private complaint in the year 2013 against the applicant. After making inquiry, on the basis of the order made by the Judicial Magistrate, "B" summary report was filed by the investigating agency and the learned Magistrate has accepted the "B" Summary by order dated 20-1-12013. The allegations made in this private complaint were in respect of the same plot. There is copy of bond signed by the complainant showing that in the year 2013 she gave in writing that there was no amount due from the present applicant towards her and that the dispute was settled. In spite of these circumstances, it appears that the complainant has again approached police. In view of this

record and the circumstance that it is not the case of the prosecutrix that she has approached Civil Court in respect of the dispute, this Court holds that protection needs to be given to the applicant as there is apparent misuse of the process of law.

4) In the result, the application is allowed. In case of arrest in connection with Crime No.20/2017 registered in Nandurbar Town Police Station, for offences punishable under sections 354, 323, 504, 506 of the Indian Penal Code the applicant is to be released on bail on his furnishing P.B. and S.B. of Rs.15,000/-. The applicant is not to tamper with prosecution witnesses. He is not to commit similar offences. The applicant is to attend the concerned police station on coming two Sundays between 9.00 a.m. and 12.00 noon and he is to cooperate police during investigation.

Sd/-
(T.V. NALAWADE, J.)