

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

7 CRIMINAL APPLICATION NO. 1539 OF 2017

SURYKANT SUDHAKAR MARATHE @ BHAIYYA MARATHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Dhorde Vikram R.
APP for Respondent/State : Mr. A.R. Borulkar
...

CORAM : T.V. NALAWADE, J.
DATED : April 12, 2017.

ORDER :

1. The application is filed for bail. Both the sides are heard. The papers of investigation were made available to this Court.

2. The crime is registered at C.R. No. 45/2017 in Nandurbar Upnagar Police Station for the offences punishable under sections 395, 323 etc. of Indian Penal Code and some sections of Maharashtra Police Act. Allegations are made by one Gopal Mali against the present applicant and his associates that in incident dated 17.2.2017 at about 2.00 p.m. when he was proceeding on his motorcycle with cash amount of Rs.10,000/- and when he reached near juice center, the present applicant and others intercepted him, assaulted him with kick blows and fist blows and took away cash amount of Rs. 10,000/- and they

also took away gold chain worth Rs.13,000/- from him. This Court is avoiding to mention the other material from the present matter including the statements of eye witnesses. There are no bad antecedents as against the present applicant and the record of the present matter and record of Criminal Application No. 1542/2017 show that due to business rivalry between two owners of two hotels, the crimes are registered and some incident took place on 17.2.2017. There is clear probability that section 395 of I.P.C. is used to make the things difficult for the accused. The applicant is behind bars since 24.2.2017. In view of these circumstances, this Court holds that applicant must have learnt the lesson. This Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case which may be filed against him. It is not certain as to how much time will be required for disposal of the case.

3. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 30,000/- (Rupees thirty thousand) with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

ssc/