

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

ANTICIPATORY BAIL APPLICATION NO. 1639 OF 2018

Raju Maruti Gaikwad

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Milind A. Ingale for the applicant.

Ms. Pallavi N. Dabholkar, APP for the State.

Mr. B.M. Pansare, ASI, Akhluj Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 01st OCTOBER, 2018.

P.C.:

. This is an application for anticipatory bail filed under Section 438 of Criminal Procedure Code by the aforesaid applicant, who has been arrested in C.R.No.205/2018 registered with Akhluj Police Station, District Solapur for offences punishable under sections 143, 147, 323, 324, 327, 504, 506 r/w. 149 of the Indian Penal Code and under section 135 of the Bombay Police Act.

2. Heard Mr. Milind A. Ingale, learned counsel for the applicant and Ms. Pallavi N. Dabholkar, APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Avida Dattu Sathe.

4. The first informant claims that on 05/06/2016, her son Vaibhav had told the applicant to return Rs.10,000/- out of the amount of Rs.50,000/- borrowed by him. She has stated that the applicant had abused Vaibhav and had also threatened him with dire consequences if were to ask for repayment of money.

5. The first informant claims that on 06/06/2018, when she and others had gone to the house of the applicant to question him about the said incident of 05/06/2018, the applicant and others assaulted him with sticks and threatened them and abused them. She had stated that the applicant also snatched Rs.20,000/- from the pocket of Vaibhav.

6. A perusal of the first information report *prima facie* reveals that the elder son of the first informant is married to the niece of the applicant herein. There appears to be a marital discord between the son and daughter-in-law of the first informant. The daughter-in-law of the first informant had left the matrimonial house about 15 days prior to the lodging of the first information report and she was residing in

the house of the applicant, who is her maternal uncle.

7. The records thus prima facie indicate that the relationship between both the families were strained because of the marital discord between the son and daughter-in-law of the first informant. The records also reveal that the applicant had lodged a report (NCR 805/2018) against Vaibhav, son of the first informant for abusing and threatening him on 05/06/2018. The applicant had also lodged a first information report (FIR No.205/2018) against the first informant and others for coming to his house armed with weapons and assaulting, abusing and threatening him.

8. The records indicate that the first informant and others as well as the applicant were involved in a scuffle and that the members of both groups had sustained simple injuries. The material on record does not prima facie indicate that the applicant had caused hurt and that he had committed offence of extortion. Furthermore, the applicant is a permanent resident of the State and there are no chances of the applicant absconding and/or thwarting the course of justice. The applicant has no criminal antecedents. Hence, the Application is allowed on following terms and conditions :-

(a) In the event of arrest of the applicant in C.R.No.205/2018 registered with Akluj Police Station, District Solapur, he shall be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Fifty Thousand) with one or two solvent sureties in the like amount to the satisfaction of Investigation Officer.

(b) The applicant shall remain present before the Investigation Officer from 15/10/2018 for a period of four days from 11:00 a.m. to 02:00 p.m. and further as and when required by the Investigation Officer for the purpose of interrogation/investigation.

(c) The applicant shall not tamper with the evidence or interfere with the complainant and the other witnesses in any manner.

(d) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.

(e) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(SMT. ANUJA PRABHUDESSAI, J.)