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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 51 OF 2018

Datta Mahadeo Powar	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Anand S. Patil, for the Applicant.

Ms. Veera Shinde, APP for the Respondent – State.

CORAM : P. N. DESHMUKH, J.

DATE : MARCH 14, 2018

PC :-

1. This is an application for anticipatory bail in C. R. No. 395 of 2017 registered with Rajarampuri Police Station, district Kolhapur for offences under Section 384, 385, 386, 504 and 506 of Indian Penal Code.

2. Learned counsel for Applicant submits that there is no substance in the report in view of the fact that same is silent as there is no mention in said report with regard to alleged extortion of amount of Rs. one lakh, which even otherwise is stated to be demanded one year before. It is submitted that no report is lodged in respect of alleged

extortion. It is therefore, contended that report refers to one incident dated 22.11.2017 involving Applicant to have assaulted complainant, however, even there is delay of 6 days in lodging report of this incident. It is therefore, prayed that application be allowed. Applicant is granted interim protection and he has attended Investigating Officer.

3. Learned Additional Public Prosecutor opposed application contending that there is sufficient evidence for which custodial interrogation of Applicant is necessary.

4. In the background of submissions advanced and on perusal of case diary, it appears to be a case of prosecution that complainant lodged report on 28.11.2017 stating therein that he is working as priest in Renuka Devi Temple where Applicant is assisting him as priest and one year prior to lodging of report, Applicant demanded Rs. one lakh and on his denial to satisfy said demand, Applicant extended threats to complainant not to allow him to enter the temple. It is also alleged that on 22.11.2017 Applicant had assaulted complainant by pelting stones, however, he avoided it and is man-handled by giving kicks and fist blows, which has been witnessed by another priest Madan Jadhav, who rescued complainant.

5. Perusal of statement of Anand though corroborates about Applicant's pelting stones, he is silent of Applicant assaulting by kicks and fist blows. There is no injury certificate on record. Considering the allegations made in the report, even otherwise they are not found corroborated by independent witness, though investigation is in progress, application is liable to be allowed by imposing suitable conditions as per order below:

- (i) Interim bail granted to Applicant by order dated 11.1.2018 stands confirmed with further directions to Applicant to attend Investigating Officer as and when called till filing of charge-sheet.
- (ii) Application is disposed of as allowed in the aforesaid terms.

Sd/-
[P. N. DESHMUKH, J.]

Vinayak Halemath