

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

**9 ANTICIPATORY BAIL APPLICATION NO.712 OF 2021
WITH
CRIMINAL APPLICATION NO. 1470 OF 2021
IN
ABA/712/2021**

Rajendra Narayan Telore,
Age; 46 years, Occ; Agri,
R/o; Harabhishnagar, In front of
Dattamandir, Shivajinagar,
Nashik Road, Nashik,
Tq. and District Nashik

...Applicant

VERSUS

1. The State of Maharashtra
2. The Superintendent of Police,
At Ahmednagar,
Tq. & Dist. Ahmednagar.

...Respondent

...
Advocate for Applicant : Mr. Shyam C. Arora h/f Mr. Garud N.C.
APP for Respondents-State : Mrs. V.S. Chaudhari
Advocate for Complainant : Mr. R.R. Karpe (Assisting to learned APP)
...

CORAM : SANDEEP K. SHINDE , J.

DATE : 23th July, 2021.

P. C. :

1. Heard learned counsel for the applicant and learned APP for State, and learned counsel for the complainant, assisting to APP.
2. Applicant is the paternal uncle of complainant. Civil dispute over the family property is pending between applicant on one

and complainant on the other hand. On 26th May, 2021, applicant allegedly restrained the complainant from entering in the suit house, which is the subject matter of the Civil Suit. On this count, a quarrel arose, amid of which he was thrashed by the applicant. Soon thereafter, applicant was admitted in the hospital. He claims after gaining consciousness, on 29th May, 2021 his statement was recorded, and it is translated into a crime No. 428 of 2021, registered under Section 327 and 324, 323, 143, 147, 148, 149, 452, 504 and 506 of IPC and under Section 4 read with Section 25 of the Indian Arms Act, against one Vilas Narayan Telore and other five persons. On 1st June, 2021, in a cross complaint by Yogita Yogesh Dhus, FIR No. 441 of 2021, under Sections 327, 324, 323, 504, 506, 143, 147, 149 and 354-A of Indian Penal Code, was registered against applicant and four others, in relation to the incident of quarrel, which arose on 26th May, 2021. Applicant seeks pre-arrest bail in this crimes.

3. First Information Report filed by Yogita Yogesh Dhus, prima-facie does not make out an offence under Section 327 of IPC, which refers to an act of causing hurt voluntarily to extort property or constrained to commit an illegal act. Herein, the element of extortion is conspicuously absent. In consideration of the facts aforesaid, in my view, the custodial interrogation of applicant shall not further the

prosecution case. Additionally there are no criminal antecedents against applicant. In the result application is allowed in following terms :

4. (i) In the event of arrest of applicant in connection with crime 441 of 2021 registered with Rahuri Police Station, District Ahmednagar, for the offences punishable under Sections 395, 327, 324, 323, 504, 506, 143, 147, 149, 354 (A) of Indian Penal Code, and under Section 4 read with Section 25 of the Indian Arms Act, he shall be released on bail on executing P.R. bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand), with one or two sureties in the like amount.

(ii). The applicant shall report to the Investigating Officer, on 28th and 30th July, 2021, in between 11:00 a.m. to 1:00 p.m. and thereafter, as and when called by the Investigating Officer.

5. This application along with Criminal Application No. 1470 of 2021, for assist to learned APP, are allowed and disposed of.

(SANDEEP K. SHINDE)
JUDGE