

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

918 ANTICIPATORY BAIL APPLICATION NO. 1204 OF 2020

**VICKY NARAYAN GHARAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicants : Mr. R.R. Karpe.
APP for Respondent : Mr. S.W. Mundhe.

**CORAM : MANGESH S. PATIL, J.
DATED : 28.01.2021**

PER COURT :

The applicants are seeking bail apprehending their arrest in connection with Crime No. I-1019/2020 registered with Karjat Police Station, Dist. Ahmednagar, for the offences punishable under Sections 143, 147, 452, 324, 327, 323, 504, 506 of the Indian Penal Code.

2. In substance, the allegations as can be understood are to the effect that the informant's cousin Sagar was in the employment of the applicants in their furniture shop. Since there was some dispute on account of money between the applicant Vicky and Sagar, the latter had left the job. It is alleged that on 27.10.2020, in the evening hours applicants along with the other accused formed an unlawful assembly, criminally trespassed into the house of informant and started questioning whereabouts of Sagar. When his father Bayaji tried to intervene, applicant Narayan and Dattatraya assaulted him

with a stick whereas the other accused Gokul assaulted the informant with a stick. When his mother tried to intervene even the accused abused her and threatened her. It is then alleged that applicant Vicky stole away cash of Rs. 5,000/- from the pocket of Bayaji. The FIR was lodged at 21.25 hours and the offence was registered.

3. The learned Advocate for the applicants would submit that the entire FIR is concocted. In fact since Sagar was addicted to liquor the applicants had removed him from the job. He along with some persons had criminally trespassed in the furniture shop of the applicant on 26.10.2020 at 09.00 p.m. ransacked the furniture and assaulted them and in the process stole away cash of Rs. 1,40,000/-. The FIR was lodged in the same night at 03:17 a.m. and just to give a counter blast the present FIR has been filed. Going by the allegations, custodial interrogation of the applicants is not necessary. The other accused like Gokul against whom there are allegations about having participated in carrying out the assault has been granted anticipatory bail by the Sessions Court. Since, the applicants also sail in the same boat, even they may be granted anticipatory bail.

4. Learned APP strongly opposes the application. He submits that offence is serious and still under investigation. Money is to be recovered and custodial interrogation of the applicants is necessary.

He would also point out that there was a strong motive to carry out assault.

5. Learned APP further submits that there are statements of two independent witnesses supporting the version in the FIR. The injury certificates further corroborate the allegations.

6. I have carefully gone through the papers. Without intending to indulged into scrutiny threadbare, it is conspicuous to note that the present FIR has been filed at a latter point of time. Prior thereto applicant Dattatraya had already lodged the FIR on the basis of which Crime No. 1019/2020 was registered against Sagar and his associates.

7. The witnesses who *prima facie* corroborate the version in the FIR are apparently the neighbours of Sagar.

8. The injury certificates which can be found in the papers of the investigation are of a private clinic and conspicuously do not refer to any history of assault and merely read that there were blunt injuries sustained by Bayaji and Malati. It is not clear as to why and how these injured persons were not taken to a government hospital and as to why the Investigating Officer did not explore as to what was the history given to the private doctors from whom the certificates were obtained.

9. Be that as it may, considering all the aforementioned facts and circumstances the discretion deserves to be used in favour of granting anticipatory bail.

10. Application is allowed.

11. In the event of arrest of the applicants, they shall be released on bail on executing Personal Recognizance for an amount of Rs. 15,000/- (Rupees fifteen thousand) each and furnishing solvent surety in the like amount each subject to the following conditions :

(a) They shall attend the concerned police station on 05.02.2021 and 12.02.2021 between 03.00 p.m. and 06.00 p.m. and shall cooperate the Investigating Officer.

(b) They shall not tamper the evidence and influence the witnesses.

(MANGESH S. PATIL, J.)