

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

29 ANTICIPATORY BAIL APPLICATION NO.1476 OF 2021

DATTATRAY PANDURANG ANANTWAR
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. A.S. Jadhav
APP for Respondent/State : Mr. A.S. Shinde

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CORAM : PRAKASH D. NAIK, J.
DATED : 20/12/2021.

PER COURT :

. The First Information Report (for short, 'FIR') has been registered with Vajirabad Police Station, Dist. Nanded for the offences punishable under Sections 307, 386, 452, 114, 504 and 506 read with 34 of Indian Penal Code (for short, 'IPC') and under Sections 3, 25 and 30 of Arms Act, 1959.

2. Complainant has alleged that co-accused Pawan Bora and others were alleging that complainant and the other members of Cracker Association are selling Chinese crackers. Adverse Publicity was given by them through media. The FIR further mentions that the co-accused had demanded amount of Rs.40,000/- and pointed out pistol at him. The FIR does not state that applicant was involved in threatening or extorting amount from complainant. While rejecting the

application for anticipatory bail before the Sessions Court, the learned Judge has observed that applicant was present with co-accused when he had pointed out pistol at complainant. FIR is silent in that respect. It appears in the supplementary statement of complainant, he has improved his version.

3. Learned counsel for the applicant submitted that the applicant is social activist and has made complaint against the persons carrying out illegal activities and on that count he has been falsely implicated.

4. Learned APP submitted that supplementary statement of the complainant has been recorded in which he has stated that the applicant was with co-accused Pavan Bora at the time when Rs.40,000/- was demanded, pistol was pointed out at him. It is pertinent to note that in the F.I.R. the complainant has categorically stated that pistol was pointed out by Pavan Bora while demanding amount of Rs.40,000/- and there is no reference of applicant accompanying him.

5. In the circumstances, the applicant cannot be subjected to custodial interrogation. Hence, I pass the following order.

ORDER

i. ABA No. 1476/2021 is allowed.

- ii. In the event of arrest of applicant in Crime No. 0397/2021 registered with Vajirabad Police Station, District Nanded, the applicant be released on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- iii. The applicant shall report the Investigating Officer on 28th, 29th and 30th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for by the Investigating Officer till the filing of the chargesheet.
- iv. The application is disposed of.

[PRAKASH D. NAIK, J.]

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