

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

ANTICIPATORY BAIL APPLICATION NO.2261 OF 2021

Mr. Kanu Baniya @ Bamma
Dhanushdhari

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

...

Mr.Rameshwar N. Gite, Advocate for Applicant.

Mr.S.H. Yadav, A.P.P. for the State-Respondent.

API Subhash M. Thakur, Nayanagar P.S. Present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 21st SEPTEMBER, 2021

PC.

1. The applicant is apprehending arrest in connection with C.R. No.I-425 of 2021 registered with Nayan Nagar Police Station Mira Road, District Thane. The Fir was registered on 03.08.2021 for the offence under Sections 392, 325, 323, 504, 506 of the Indian penal Code. During the course of investigation, Section 392 has been substituted by Section 394 of IPC.

2. The case of the complainant is that he is selling vegetables in the APMC Market. From time to time the complainant had sold vegetables to the applicant and the consideration was not paid. There were dues of about 42,000/-. On 29.07.2021, the

applicant had approached the complainant to purchase vegetables which were refused by complainant on the count that the earlier dues were not cleared. Subsequently, the applicant has allegedly followed and assaulted him. The cash amount of Rs.5,200 was removed from the pocket of the complainant.

3. Learned counsel for the applicant submitted that the FIR is false. Offences under Section 392 or 394 are not made out.

4. Learned APP submitted that clear role has been attributed to the applicant. He had assaulted the complainant. The complainant has sustained injury. Applicant removed cash from pocket of complainant. However, injury is simple in nature.

5. It is apparent that Section 394 of the IPC has been invoked on the basis of the fact that the amount was removed from the pocket of the complainant. From the FIR, it can be seen that the dispute was about the payment of money towards purchase of vegetables. The complainant was assaulted. It does not appear that there was any intent to commit robbery. It appears to be exaggerated version. All the injuries are simple in nature. In the light of the factual aspects of the case, custodial interrogation of the applicant is not warranted.

ORDER

- (i) Anticipatory Bail Application No. 2261 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in C.R. No.I-425

of 2021 registered with Nayan Nagar Police Station, the applicant be released on bail on executing PR bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;

- (iii) The applicant shall appear before investigating officer on 27th, 28th and 29th September 2021 between 11.00 am to 01.00 pm and thereafter as and when called for fill the filing of charge-sheet.
- (iv) Application stands disposed of.

(PRAKASH D. NAIK, J.)