

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.77 OF 2022

NILKANTH SAMBHAJI KAUSALYE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. P.P. More, Advocate h/f Mr. V.S. Panpatte, Advocate for the applicant

Mr. N.T. Bhagat, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

RESERVED ON : 03rd FEBRUARY, 2022

PRONOUNCED ON : 08th MARCH, 2022

ORDER :

1 Applicant is apprehending his arrest in connection with Crime No.350/2021 dated 14.10.2021 registered with Kandhar Police Station, Dist. Nanded, for the offence punishable under Section 342, 395, 324, 323, 504, 506 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. P.P. More holding for learned Advocate Mr. V.A. Panpatte for the applicant and learned APP Mr. N.T. Bhagat for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 The First Information Report has been lodged by one Radhabai Sudhakar Kausalye on 14.10.2021 in respect of alleged incident dated 12.10.2021. It has been alleged that in all seven persons barged into her house and assaulted her husband, two sons and herself. As regards the present applicant is concerned, it is alleged that he had forcibly taken amount of Rs.45,000/- from the pocket of her husband. Thus, the role appears to be restricted to Section 452, 395 of the Indian Penal Code. From the papers, which have been produced by the applicant, it appears that one more offence registered by one Sadashiv Mariba Tompe against the present applicant and others for the offence punishable under Section 143, 147, 148, 149, 324, 506 of the Indian Penal Code, 1860 and under Section 3(1)(r), 3(10)(s), 3(1)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 came to be lodged on 04.07.2021. But that complaint has nothing to do with the informant. Further, it appears that the said another offence appears to be the outcome of agitation by wife of present applicant, who appeared to be the Gramsevak of Grampanchayat office Rahati and she was making complaint about water supply to dalit vasti. So, the another complaint cannot be taken as a criminal antecedent against the applicant.

4 Perusal of the police papers would show that uptill now the Investigating Officer has not collected the injury certificates and, therefore,

this Court is handicapped to know what are the injuries, those have been sustained by the injured persons in the incident. Further, surprising fact is that the papers which have been supplied do not contain statements of Sudhakar Kausalye – husband of the informant from whose pocket cash of Rs.45,000/- has stated to have been taken forcibly. His statement is important. Why he was carrying so much of cash with him on that day is also required to be noted. Under such circumstance, the custodial interrogation of the applicant may not be required. If he is made available for investigation by granting attendance, then it would suffice. Hence, following order.

ORDER

1 Application stands allowed.

2 In the event of arrest of applicant viz. **Nilkanth Sambhaji Kausalye**, in connection with Crime No.350/2021 dated 14.10.2021 registered with Kandhar Police Station, Dist. Nanded, for the offence punishable under Section 342, 395, 324, 323, 504, 506 of the Indian Penal Code, 1860, he be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not indulge in any criminal activity nor he

should tamper with the evidence of the prosecution, in any manner.

4 Applicant should remain present before the Investigating Officer on every Monday and Friday between 11.00 a.m. to 02.00 p.m., till filing of the charge sheet and co-operate with the investigation.

(Smt. Vibha Kankanwadi, J.)

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