

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.230 OF 2022

DEEPAK S/O GANESH CHOURE
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. Satej S. Jadhav, Advocate for the applicant.
Mrs. Vaishali Patil Jadhav, APP for the respondent – State.
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 15.03.2022

ORDER :-

1. The applicant is apprehending his arrest in connection with Crime No.803 of 2021 registered with M.I.D.C. Police Station, Dist. Ahmednagar for the offences punishable under Sections 449, 450, 427, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Satej S. Jadhav for the applicant and learned APP Mrs. Vaishali Patil Jadhav for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it has been lodged by one Aakash Gorakshanath Nimse on 16.12.2021 in respect of the incident

that had taken place on 15.12.2021. He has stated that the present applicant had entered the informants shop with axe and after entering the shop, he started saying that why the informant has kept certain videos which were intimidating his status. According to the informant, the applicant had caused damage to his shop with axe. When the informant and his servants were requesting the applicant that he should not cause damage, the applicant was not in a mood to listen. When applicant was about to give blow of axe, informant went into the changing room and closed the door. When the axe was hit on the door of the changing room, informant then says that he opened the door and pushed the applicant and he himself went outside the shop. Thus, it is to be noted that nobody appears to have got injured in the alleged incident. The spot panchanama has been drawn. This Court wanted to consider the width of the shop. It has been stated that the shop is 30 ft. x 10 ft. in which there is also a counter. Though in the FIR it is stated that damage was caused to the shoe rack, but in the photograph the shoe rack so also the other racks on which certain clothes were kept is intact. No doubt, there appears to be damage to the glass of the counter and it is stated that the damage was also caused to the glass of the door. Now, nothing is required to be recovered from the applicant. Recovery of the axe with which the alleged damage is stated to have been caused

may not be necessary. By imposing certain conditions, the application deserves to be allowed. Note will have to be taken in respect of a Non Cognizable offence that has been registered on 11.03.2022 against the present applicant by the informant himself, wherein it is stated that on that day, the applicant had given him threat and asked him to take back the FIR. Suitable conditions will have to be imposed in that respect. Hence, the following order.

ORDER

- I) Application stands allowed.
- II) In the event of arrest of the applicant – Deepak Ganesh Choure, in connection with Crime No.803 of 2021 registered with M.I.D.C. Police Station, Dist. Ahmednagar for the offences punishable under Sections 449, 450, 427, 504, 506 read with Section 34 of Indian Penal Code, he be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) The applicant shall remain present before the Investigating Officer as and when called and cooperate with the investigation.
- IV) The applicant shall not reside or visit village Pokhardi till the conclusion of trial. He should reside elsewhere, and before submission of bail papers, the applicant should give complete address of his proposed residence with his mobile number to the Investigating Officer.

V) He shall not tamper with the evidence of the prosecution in any manner.

VI) He shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm