

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.175 OF 2022

BALASAHEB S/O TRIMBAKRAO NAIKNAWARE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. S. J. Salunke, Advocate for applicant.
Mr. A. M. Phule, APP for the respondent – State.

...

WITH
CRIMINAL APPLICATION NO.900 OF 2022
IN ABA/175/2022

RAM BHAURAO JAGTAP
VERSUS
BALASAHEB S/O TRIMBAKRAO NAIKNAWARE AND ANOTHER

...

Ms. S. D. More, Advocate for applicant.
Mr. S. J. Salunke, Advocate for respondent No.1.
Mr. A. M. Phule, APP for respondent No.2 – State.

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 09.03.2022

ORDER :-

. Criminal Application No

506, 507 read with 34 of Indian Penal Code.

3. Heard learned Advocate Mr. S. J. Salunke for the applicant in ABA No.175 of 2022, learned APP Mr. A. M. Phule for the respondent – State assisted by learned Advocate Ms. S. D. More for original informant. In order to cut short it can be said that they have made submissions in support of their respective contentions.

4. Perusal of the FIR would show that it has been lodged by one Ram Bhaurao Jagtap. It is against the present applicant and other three persons. As regards the role attributed to the present applicant is concerned, he says that he had caught hold of the neck of the informant and had snatched 3 Tola Gold chain and took it away. The applicant has provided certain documents showing that the informant himself has criminal antecedents and has been convicted by the Courts earlier, but that may not be important. The informant has also produced on record the judgment in criminal appeal showing that he has been acquitted in appeal. Important point to be noted is that as per the FIR, the applicant had received a phone call around 6.00 to 6.15 p.m. and it is stated that it was of the applicant. It is then stated that by giving threat that he would be killed, the applicant had called informant to Savargaon bus stand. Surprisingly, the informant, though the said threat was given,

went in pursuant to such kind of invitation. He then says that he could not find them near the bus stand and, therefore, he was proceeding towards Majalgaon Police Station to lodge the report, but then from distance of half kilometer from Savargaon, the applicant and 3 other persons were found near field of one Subhash Kharade. Surprisingly, even after noticing the applicant, the informant got down from his motorcycle and then it is stated that the applicant had caught hold of his neck and threatened him. According to the informant, all the four persons had given fists and kicks blows to him causing him covert injury. The actions of the informant himself are rather suspicious. How a person can go to that place when he knows that the other person who had called him at that place want to kill him. The police papers do not show that statement of any witnesses recorded uptill now. Further, no documentary evidence in the form of receipt of gold chain that he was possessing the said 3 Tola Gold chain has been produced by the informant. It has been pointed out by the learned Advocate for the informant as well as learned APP that NC complaint has been lodged by the informant bearing No.39 of 2022 on 08.02.2022 stating that he has been threatened by the applicant. It appears to be the outcome of the fact that the applicant has not been arrested uptill now. Therefore, taking into consideration all these aspects, the interim protection

granted by this Court deserves to be confirmed. Hence, the following order :-

ORDER

- I) ABA No.175 of 2022 stands allowed.
- II) The ad-interim relief granted earlier by this Court vide order dated 22.02.2022 stands confirmed and made absolute. In other words, in the event of arrest of the applicant – Balasaheb Trimbakrao Naiknaware in connection with Crime No.05 of 2022 registered with Majalgaon Rural Police Station, Dist. Beed for the offences punishable under Sections 327, 341, 323, 504, 506, 507 read with 34 of Indian Penal Code, he be released on P. R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each, if not already released.
- III) Applicant to attend Majalgaon Rural Police Station, Dist. Beed between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet.
- IV) He shall not commit any offence and shall not tamper with the evidence of the prosecution in any manner.

[SMT. VIBHA KANKANWADI, J.]

scm