

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 ANTICIPATORY BAIL APPLICATION NO.359 OF 2022

ANAND KAKASAHEB GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. R.B. Dhaware, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 07th APRIL, 2022

PER COURT :

1 The applicant is apprehending his arrest in connection with Crime No.39/2022 dated 04.02.2022 registered with AUSA Police Station, Dist. Latur, for the offence punishable under Section 327, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. R.B. Dhaware for the applicant and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report would show that it has

been lodged by one Rani Suresh Gaikwad. Applicant is the son of cousin brother-in-law of the informant. There appears to be a litigation between two families on account of property. The father and grandfather of the applicant had allegedly gone to the house of the informant on 04.02.2022 and formally stating that they will not demolish their house which has gone in the road widening. Then it is alleged that at about 6.00 p.m. when the informant, her husband and her mother-in-law were in the house. The applicant went in front of their house in drunken condition and started asking the informant and her husband, as to why they are making applications in respect of his house. He will not demolish his house and he would see how they demolish his house. First of all, it is to be noted that the applicant is 18 years old boy. The informant is 35 years old and definitely her husband would be elder to her. It is unbelievable that 18 years old boy would talk in such a manner with the cousin brother and his wife when there are father and grandfather in the house. Thereafter, it is stated that the applicant extorted gold mangalsutra and old gold locket worth Rs.95,000/-. When they were three persons and the applicant was alone, whether it is possible, itself is a question. The First Information Report appears to be a concocted story. Even on the face of it the custodial interrogation is not required. Therefore, the interim protection granted earlier deserves to be confirmed. Accordingly, it is confirmed. Hence, following order.

ORDER

1 Application stands allowed.

2 The ad-interim protection, granted by this Court earlier to applicant vide order dated 25.03.2022, is hereby confirmed and made absolute. In other words, if the applicant is not formally arrested, in the event of arrest of the applicant viz. **Anand Kakasaheb Gaikwad**, in connection with Crime No.39/2022 dated 04.02.2022 registered with Ausa Police Station, Dist. Latur, for the offence punishable under Section 327, 323, 504 read with Section 34 of the Indian Penal Code, 1860, he be released on PR. Bond 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 prosecution evidence, in any manner.

4 He should cooperate with the investigation and shall remain present before the Investigating Officer, on every Sunday, between 10.00 a.m. to 02.00 p.m., till filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)