

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

914 ANTICIPATORY BAIL APPLICATION NO.422 OF 2022

MALSHIKHRYA JALYA BHOSALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shiraj R. Wakale.
APP for Respondent/State: Mrs. V. N. Patil-Jadhav.
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CORAM : **SARANG V. KOTWAL, J.**
DATE : 10th June, 2022.

PER COURT:

. The applicant is seeking anticipatory bail in connection with C.R. No.48 of 2020, registered at Shrigonda Police Station, District Ahmednagar, on 15th January, 2020 under Sections 436, 327, 427, 323, 504 and 506 read with 34 of the Indian Penal Code.

2 Heard Mr. S. R. Wakale, learned counsel for the applicant and Mrs. V. N. Patil-Jadhav, learned APP for the State.

3 The FIR is lodged on 15th January, 2020 by one Jyoti Bhosle. She has stated that her sister Najuki was married to the present applicant and she alongwith the applicant and their son were

residing at Ganesha, Shrigonda, District Ahmednagar. The applicant and his family used to earn their livelihood by doing labour work. It is mentioned in the FIR that there was monetary dispute between the informant and Najuki and there are different complaints registered at Shrigonda Police Station. It is her case that the applicant and others used to constantly harass her for withdrawing those complaints filed by her. On 14th January, 2020 at about 10:00 pm, when the informant and her family members were sleeping in their house, the applicant, his brother Gokulya and Najuki came there and started abusing them. They pelted stones on the informant's motorcycle. Najuki assaulted her by kicks and fist blows. It is alleged that Najuki removed Rs.30,000/- from her and the applicant set the roof of the house on fire and after that they went away. On this basis, the FIR is lodged.

4 Learned counsel for the applicant submitted that the incident is false and nothing as alleged has taken place. The FIR is lodged because of the previous enmity. There are other complaints lodged against each other. The other accused were released on regular bail.

5 Learned APP opposed this application on the basis of averments made in the FIR and she has produced investigation papers before me. There was no injury certificate in respect of the informant

in the papers.

6 I have considered these submissions and have perused the papers of investigation and in particular I have read the spot *Panchanama*. In the spot *Panchanama*, it is categorically mentioned that there were no signs that the roof was burnt. Thus, this spot *Panchanama* practically exonerates the applicant. Even there is nothing to show that the two wheeler of the informant was damaged. In this background, there is sufficient substance in the submissions of learned counsel for the applicant that it could be a false case. In this view of the matter, the applicant deserves protection of anticipatory bail order. Hence, the following order is passed:

ORDER

- I. In the event of his arrest in connection with C.R. No.48 of 2020, registered at Shrigonda Police Station, District Ahmednagar, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand Only) with one or two sureties in the like amount.

- II. The applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- III. The Anticipatory Bail Application stands disposed of accordingly.

[SARANG V. KOTWAL, J.]

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