

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.949 OF 2022

NIKHIL MILIND HANKARE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Murlidhar S. Karad
APP for Respondent/State : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.

DATE : 01-08-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for respondent No.1/State with learned counsel for respondent No.2.

2. It has been alleged against the applicant that he went to the field, which was already sold to the complainant by a registered sale deed and uprooted the cement poles which were fixed by the complainant and her husband. It has been alleged that the quarrel took place there, and the applicant snatched *Mangalsutra* from the person of the wife of the complainant. The applicant has a case that the land-in-question was nominally transferred against the loan of Rs.1 Lakh. The sale transaction was never intended to be acted upon. The applicant has lodged a report against the first

informant under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. To counter the said report, the present report has been lodged. No incident as such happened. The false allegations of snatching the golden *mangalsutra* of the wife of the complainant have been levelled. He has argued that the co-accused has been released on bail. Therefore, the application may be allowed.

3. The learned APP and learned counsel assisting him have vehemently argued that the sale deed was executed on consideration. The possession of the land was also handed over to the complainant. Therefore, they were rightfully fixing the cement poles. The applicant and others were aggressive. They used criminal force and snatched *Mangalsutra* of the wife of the complainant. That *Mangalsutra* is to be recovered.

4. Perused the investigation papers and the application. The applicant has a case that the complainant does an illegal money lending business. The possession of the land was never handed over to him. Under the garb of a nominal sale deed, he is trying to take possession of the land. Therefore, the applicant resisted them from illegal activities. The report was lodged against them.

5. it is observed that in this region, the allegations of snatching *Mangalsutra* are very common. Considering the previous dispute between the parties, the allegations of snatching the *Mangalsutra*

do not inspire the confidence. There may be a dispute on the spot, but the prosecution has no material for the custodial interrogation of the applicant. Therefore, the application deserves to be allowed. Hence, the following order -

- i) The application is allowed.
- ii) The interim protection granted by the order dated 25.07.2022 is confirmed on the same terms and conditions.

(S. G. MEHARE)
JUDGE

rrd