

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1032 OF 2022

1. Sampati S/o Vitthal Chopade
2. Sanjivani w/o Sampati Chopade
3. Gautam s/o Vitthalrao Chopade
4. Vaishali w/o Gautam Chopade
5. Anand s/o Bansilal Chopade ...Applicants

VERSUS

The State of Maharashtra ...Respondent

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Mr. Shrish M. Kamble, Advocate for the applicants.

Ms. V.S. Choudhari, APP for the respondent-State.

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CORAM : S.G. MEHARE, J.

DATED : 22nd AUGUST, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. Hearing the learned counsel for the applicants at length and considering the role attributed to applicant no.1, Sampati and applicant no.3, Gautam, the Court expressed disinclination to grant anticipatory bail to them. Learned counsel for the applicants took a time to take instructions, on instructions, he seeks leave to withdraw the application for applicant nos.1 and 3.

3. Leave granted. The application of applicant nos.1 and 3 stands dismissed as withdrawn.

4. So far as the role as allegedly attributed in the FIR against Sanjivani and Vaishali are concerned that they have thrown the chilly powder and applicant – Anand has allegedly snatched the golden ring and the hard cash. The prosecution has no evidence to show that there were particles of the chilly powder on the person or the clothes of the injured. The allegations of snatching the amount and golden ring does not inspire the confidence for the reasons that normally the agriculturist do not carry such hard amount and the golden ornaments when he goes to work in the agricultural field. The possibility of making the incorrect allegations for making the offence serious cannot be ruled out. Hence, applicant nos.2, 4 and 5 are entitled to the anticipatory bail. Therefore, the following order :

ORDER

(A) The Application is partly allowed.

(B) In the event of arrest, applicant nos.2, 4 and 5 viz. Sanjivani w/o Sampati Chopade, Vaishali w/o Gautam Chopade and Anand s/o Bansilal Chopade, be released on bail, on executing P.B. and S.B. of Rs.20,000/- (Twenty Thousand) each with one solvent surety in the like amount in Crime No.97 of 2022 registered with Sirsala Police Station, District Beed for the offence punishable under Sections 307, 327, 324, 143, 147, 148, 149, 323, 504, 506 of the

(3)

Indian Penal Code, on the condition that they shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)