

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

22 ANTICIPATORY BAIL APPLICATION NO.1043 OF 2022

PEERKHAN @ CHATRU SABDAL MULTANI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Naseem R. Shaikh.
APP for Respondent-State : Mr. V. M. Kagne.
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CORAM : S. G. MEHARE, J.
DATE : 29.08.2022

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent-State.

2. The learned counsel for the applicant has vehemently argued that to counter the report lodged by the son of the applicant, false allegations have been levelled against the applicant that he assaulted him with stick on nose and the vague allegation has been levelled that somebody has taken away Rs.71,000/- from his pocket. He would argue that carrying such a huge amount in the pocket in field is unnatural. All other Sections were bailable. To make the offence serious, the false allegation has been levelled that Rs.71,000/- were snatched from his pocket. So far as the

allegations regarding the assault with stick, no serious injury was sustained to the injured. The police have seized the stick from the spot of the incident. Therefore, the custodial interrogation is not essential.

3. Learned APP has strongly opposed the application. He would point out that the huge amount of Rs.71,000/- has been snatched and the injured has suffered the simple injury. But, he fairly conceded that the so called stick used for assault has been seized from the spot of the incident.

4. It is not in dispute that there are counter reports against each other. The persons from the applicant's side are also seriously injured. There appears substance in the argument of the learned counsel for the applicant that carrying such a huge amount in the field is unnatural. So far as the weapon is concerned, it has been seized. Considering the progress of the case and the allegations levelled against the applicant, this Court is of the view that no prejudice would cause to the prosecution, if the anticipatory bail is granted to the applicant. Hence, the following order :

ORDER

- (i) The application is allowed.

- (ii) The interim protection granted to the applicant by the order dated 10.08.2022 stands confirmed on the same terms and conditions with an additional condition that the applicant shall attend the Police Station as and when called by the Investigating Officer on written notice.

(S. G. MEHARE, J.)

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vmk/-