

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1246 OF 2022

Rahul Sampat Gite

...Applicant

Versus

The State Of Maharashtra & Another

...Respondents

Mr. R.C. Bramhankar, Advocate for the applicant.

Mr. N.T. Bhagat, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st DECEMBER, 2022

ORDER :

1. The applicant apprehends his arrest in Crime No. 05/2022 registered with Kharda Police Station, for the offences punishable under sections 327, 223, 504, 506 read with 34 of the Indian Penal Code.

2. Statement of Buvasaheb Jijaba Khade is recorded in the hospital, wherein he has alleged that he was constructing Mahadev temple at Ghuge Vasti, Mohari, Taluka- Jamkhed. On 28.07.2022 at about 1.30 pm., he along with driver Prakash Dhale, Tanhaji Khade, Lalini Khade were going to Savargaon Ghat in their TATA Sumo vehicle. At about 6.30 pm., they

reached village Mohari, Taluka- Jamkhed and went to the house of applicant Rahul Gite. There they met Rahul Gite, Bajirao Gite, Sampat Gite, Arun Gite, Rama Gite, wife of Rama Gite, wife of Arun Gite and Bhima Gite and there was discussion about construction of Mahadev temple. On 29.07.2022, at about 1.30 am, he along with Tanaji Khade were called by Rahul Gite and Bajirao Gite at Bajirao Gite's house. Rahul Gite slapped him by showing photo from his mobile. He abused him and threatened to kill him. At about 5.30 am, when he was sitting on the *ota*, Rahul Gite came there carrying chopper and Bajirao Gite with iron rod and compelled him to part with his golden ornaments. Informant gave both of them golden ornaments worth Rs. 13,60,000/-. Thereafter, persons accompanying informant brought him to the hospital. On the basis of this statement, First Information Report is registered.

3. Heard the learned advocate for the applicant and learned Additional Public Prosecutor for the respondent. Perused the investigation papers.

4. The incident has allegedly happened on 29.07.2022, First Informant Report is lodged on 03.08.2022, nothing is there

on record to explain the delay in lodging First Information Report.

5. It is to be noted here that sister of the applicant has lodged First Information Report against informant alleging that he has committed offence under section 376 of the Indian Penal Code. Prima facie, possibility of false implication of the applicant with a view to give counter blast to the First Information Report lodged by the applicant's sister, cannot be ruled out.

6. The applicant was granted interim protection and he has co-operated in the investigation. Pre-trial custodial interrogation of the applicant is therefore not necessary in the facts of the present case. In the result, application is allowed by confirming the interim order dated 13th October, 2022.

7. Till filing of charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer. The applicant shall co-operate in the investigation and shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]