

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

ANTICIPATORY BAIL APPLICATION NO.1280 OF 2022

**VIJAY MADHUKAR SARATE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Mahendra Panditrao Gandle
APP for Respondent – State : Mr. N. T. Bhagat
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 11th OCTOBER, 2022

PER COURT :

1. Applicant apprehends arrest in connection with Crime No.300/2022 registered with Georai Police Station, Beed for offence punishable under Sections 354, 326, 323, 504, 506 read with 34 of the Indian Penal Code.
2. Heard learned advocate for applicant and learned Additional Public Prosecutor for respondent – State, perused the investigation papers.
3. It is alleged in the FIR that husband of the informant had purchased tractor from father of the applicant for consideration of Rs.3,30,000/-. He paid Rs.2,60,000/- and Rs.70,000/- was remained to be paid. On the date of incident, at 11:00 p.m. in the night, applicant and his father came to the house of informant and

started abusing informant's husband for non-payment of Rs.70,000/-. When informant told them not to abuse, applicant's father assaulted informant's husband with iron rod on left hand wrist. When informant asked not to assault her husband, applicant with ill-intention pulled informant's saree. Thereafter, applicant slapped informant's son and left the house by giving life threats.

4. The incident is alleged to have taken place on 10/06/2022 and FIR in question is lodged on 12/06/2022. Admittedly, there is a transaction between father of the applicant and husband of the informant and Rs.70,000/- was remained to be paid to applicant's father.

5. *Prima facie*, there appears substance in the contention of applicant that since his father was demanding amount of Rs.70,000/-, present FIR is lodged by falsely implicating the applicant.

6. Perusal of investigation papers show that except statement of informant and her husband and son, there is no other material to support the allegations made against applicant. Applicant's father was arrested and the weapon allegedly used in the incident is already recovered from him. He is released on regular bail.

7. Applicant, after grant of interim protection, has attended police station and has cooperated in the investigation. Nothing is to be recovered from applicant. Therefore, custodial detention and/or interrogation of applicant is not necessary in the facts of the present case.

8. Application is, therefore, allowed by in terms of interim order passed by this Court on 26/09/2022. Till filing of charge-sheet, applicant shall attend police station as and when called by investigation officer.

(NITIN B. SURYAWANSHI, J.)